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HANSARD'S
PARLIAMENTARY DEBATES,

THIRD SERIES:

COMMENCING WITH THE ACCESSION OF
WILLIAM IV.

36° VICTORIÆ, 1873.

VOL. CCXIV.

COMPRISING THE PERIOD FROM
THE SIXTH DAY OF FEBRUARY 1873,
TO
THE TWENTY-FIRST DAY OF MARCH 1873.

First Volume of the Session.

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Marriages (Ireland) Bill—*Ordered* (*Mr. Pim, Mr. Heygate, Sir Rowland Blennerhassett*); *presented,* and read the first time [Bill 68] 582

LORDS, TUESDAY, FEBRUARY 18.

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After debate, Question put, "That the word 'now' stand part of the Question:"—The House *divided*; Ayes 124, Noes 103; Majority 21.

Main Question put, and *agreed to*:—Bill read a second time, and *committed* for *Friday*.

Agricultural Children Bill [Bill 8]—

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Marriage with a Deceased Wife's Sister Bill [Bill 15]—

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Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Mr. Collins.*)

Question put, "That the word 'now' stand part of the Question:"—The House *divided*; Ayes 98, Noes 54; Majority 44.

Main Question put, and *agreed to*:—Bill read the third time, and *passed.*

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Main Question put, and *agreed to:*—Bill read a second time, and *committed* for *Wednesday* next.

CENTRAL ASIA—BOUNDARIES OF THE AFGHAN STATES—MOTION FOR AN ADDRESS—
Moved, "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Copies of the Memorandum on the frontier of the Badakshan and Wakhan provinces of Afghanistan drawn at the India Office from maps and information furnished by Sir Henry Rawlinson, together with the Despatch on the subject from the Government of India; and, of the sketch Map, showing the northern boundary of the Afghan territories, assented to by Government of India, and adopted by the Foreign Office,"—(*Mr. Rylands*) 771
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Metropolitan Tramways Provisional Orders Bill—*Ordered* (*Mr. Arthur Peel, Mr. Chichester Fortescue*); *presented,* and read the first time [Bill 76] 772

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(1.) The transfer to any Railway or Canal Company of the undertaking or part of the undertaking of any other such Company; or
(2.) The transfer to any Railway or Canal Company of any Harbour; or
(3.) The amalgamation of the undertaking or any part of the undertaking of any Railway or Canal Company with the undertaking of any other such Company,
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After short debate, Motion *agreed to.*
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Question proposed, "That the words proposed to be left out stand part of the Question:"—After debate, Amendment, by leave, *withdrawn.*

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After debate, Motion *agreed to* ; and a Message sent to the Commons to acquaint them therewith.

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After short debate, Question put: — The House *divided;* Ayes 222, Noes 56; Majority 166.

MEETING OF PARLIAMENT—MOTION FOR AN ADDRESS—

Moved, "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to take into consideration the expediency of summoning Parliament not later than the last week of November, in accordance with the Fifth Resolution of the Committee on Public Business, 1871,"—(*Mr. Charles Forster*) 902

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to consider the time of the day at which the House should assemble, the hours during which the House can most conveniently sit for the transaction of Public Business, when the business introduced by Her Majesty's Ministers should have precedence, and what Notice should be given of any proposal to alter the time at which the House will assemble for the distribution of business,"—(*Mr. Newdegate,*)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question:"—After debate, Amendment and Motion, by leave, *withdrawn.*

NAVY—ADMIRALTY ADMINISTRATION—RESOLUTION—

Moved, "That this House, in order to remedy certain defects in the administration of the Admiralty, recommends the Government to take into consideration the propriety of administering that department by means of a Secretary of State; and further, of appointing to the offices of Controller and of Superintendent of Her Majesty's Dockyards persons who possess practical knowledge of the duties they have to discharge, and also of altering the rule which limits their tenure of office to a fixed term of years,"—(*Mr. Seely*) 919

After short debate, Amendment proposed,

To leave out the words "Secretary of State," in order to insert the words "a Board of Admiralty with such modifications of constitution and procedure as experience has shown to be desirable,"—(*Mr. Brassey,*)—instead thereof 943

Question proposed, "That the words 'Secretary of State' stand part of the Question:" — After further debate, Amendment, by leave, *withdrawn.*

Original Question put: — The House *divided;* Ayes 13, Noes 114; Majority 101.

Record of Title (Ireland) Act (1865) Amendment Bill—

Motion for Leave (*Sir Robert Torrens*) 968

Motion *agreed to:*—Bill to extend and amend the provisions of "The Record of Title (Ireland) Act, 1865," *ordered* (*Sir Robert Torrens, Sir Colman O'Loghlen, Mr. Pim, Mr. Matthews*); *presented,* and read the first time [Bill 79.]

Public Worship Facilities Bill [Bill 27]—

Moved, "That the Bill be now read a second time,"—(*Mr. Salt*) .. 969

After short debate, Motion *agreed to:*—Bill read a second time, and *committed.*

Moved, "That the Bill be committed to a Select Committee,"—(*Mr. Beresford Hope:*)—After further short debate, Question put:—The House *divided;* Ayes 9, Noes 40; Majority 31.

Bill *committed* to a Committee of the Whole House for *Friday.*

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Land Settlement Bill—*Ordered* (*Mr. Wren Hoskyns, Mr. M'Lagan*); *presented*, and read the first time [Bill 80] 971

Drainage and Improvement of Lands (Ireland) Provisional Orders (No. 2) Bill—*Ordered* (*Mr. William Henry Gladstone, Mr. Baxter*); *presented*, and read the first time [Bill 82] 971

Tithe Commutation Acts Amendment Bill—*Ordered* (*Mr. Arthur P. Vivian, Mr. Bouverie, Sir John Lubbock, Mr. Magniac*); *presented*, and read the first time [Bill 81] 971

COMMONS, WEDNESDAY, FEBRUARY 26.

Poor Law (Scotland) Bill [Bill 4]—

Moved, "That the Bill be now read a second time,"—(*Mr. Craufurd*) .. 972

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Sir Edward Colebrooke.*)

After debate, Question put "That the word 'now' stand part of the Question:"—The House *divided;* Ayes 48, Noes 181; Majority 133.

Words *added:*—Main Question, as amended, put, and *agreed to:*—Bill *put off* for six months.

Labourers' Cottages (Scotland) Bill—*Ordered* (*Mr. Fordyce, Mr. M'Combie, Mr. Barclay, Sir George Balfour, Mr. Parker*); *presented*, and read the first time [Bill 83] 1011

Local Government Districts (Consolidated Rate) Bill—*Ordered* (*Mr. Andrew Johnston, Mr. Francis Powell, Colonel Brise*); *presented*, and read the first time [Bill 84] 1012

LORDS, THURSDAY, FEBRUARY 27.

Chelsea Water Bill [H.L.]—

Moved, "That the Bill be now read 2ª,"—(*The Lord Fitzwalter*) .. 1012

Amendment *moved*, to leave out ("now,") and insert ("this day six months,")—(*The Marquess of Salisbury.*)

After short debate, on Question, That ("now") stand part of the Motion? their Lordships *divided;* Contents 29, Not-Contents 70; Majority 41.

Resolved in the *Negative;* and Bill to be read 2ª *this day six months.*

Division List, Contents and Not-Contents 1023

COMMONS, THURSDAY, FEBRUARY 27.

Charing Cross and Victoria Embankment Approach Bill—Motion to refer to a Select Committee—

Moved, "That Standing Orders Nos. 7 and 203 be suspended in the case of the Charing Cross and Victoria Embankment Approach Bill, and that the Bill be referred to a Select Committee of Nine Members, Five to be nominated by the House, and Four by the Committee of Selection, and that they be empowered to consider generally and report upon the Charing Cross and Victoria Embankment Approaches,"—(*Lord Elcho*) 1024

After debate, Question put:—The House *divided;*—Ayes 72, Noes 187; Majority 115.

COAL—ECONOMY OF FUEL—SELECT COMMITTEE—Question, Mr. Stapleton; Answer, Mr. Gladstone 1031

COAL MINES—INUNDATIONS OF WORKINGS—Question, Mr. Newdegate; Answer, Mr. Bruce 1031

UNITED STATES—OFFENCES ON THE HIGH SEAS—Question, Mr. Gourley; Answer, Viscount Enfield 1032

CANADIAN BOUNDARY—ROBERT'S POINT—Question, Sir John Hay; Answer, Viscount Enfield 1032

ARMY—THE MUTINY BILL—Question, Mr. W. Johnston; Answer, Mr. Cardwell 1033

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Army—Fighting between Soldiers—Question, Sir Wilfrid Lawson; Answer, Mr. Cardwell 1033
Central Asia—The "Intermediate Zone"—Question, Mr. Montague Guest; Answer, Viscount Enfield 1034
Army Estimates—Soldiers' Pay and Rations—Questions, Major Arbuthnot; Answer, Mr. Cardwell 1034
Army — Yeomanry and Volunteer Adjutants — Question, Sir Henry Selwin-Ibbetson; Answer, Mr. Cardwell 1035
Army—Instruction to Officers of the Auxiliary Forces—Question, Mr. Henry Samuelson; Answer, Mr. Cardwell 1036
Juries (Ireland) Act, 1872—Clare Assizes—Question, Mr. Bruen; Answer, The Marquess of Hartington 1036
University Education (Ireland) Bill — Affiliatfd Institutions—Questions, Mr. Gordon, Lord Robert Montagu, Mr. C. E. Lewis; Answers, Mr. Gladstone 1038
Ireland—Galway Election Prosecutions—Question, Colonel Stuart Knox; Answer, Mr. Gladstone 1040
Central Asia—Afghanistan (Northern) Boundary — Mr. Forsyth's Mission—Question, Mr. Osborne; Answer, Mr. Grant Duff .. 1041

Railway and Canal Traffic Bill [Bill 34]—

Moved, "That the Bill be now read a second time,"—(*Mr. Chichester Fortescue*) 1042

After debate, Motion *agreed to*:—Bill read a second time, and *committed* for *Thursday* next.

SUPPLY—*considered* in Committee—Army Estimates.

Motion made, and Question proposed, "That a number of Land Forces, not exceeding 128,968, be maintained for the service of the United Kingdom of Great Britain and Ireland, and for Depôts for the training of Recruits for service at Home and Abroad, including Her Majesty's Indian Possessions, from the 1st day of April 1873 to the 31st day of March 1874, inclusive,"—(*The Secretary of State for War*) 1056
After debate, *Moved*, "That a number of Land Forces, not exceeding 118,968, &c.,"—(*Mr. William Fowler*) 1079

After further debate, *Moved*, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Pease*:)—Motion, by leave, *withdrawn*.

Question again proposed, "That a number of Land Forces not exceeding 118,968, &c.,"—(*Mr. William Fowler*:)—Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again,"—(*Sir John Pakington*:)—The Committee *divided*; Ayes 159, Noes 33; Majority 126.

Committee report Progress; to sit again *To-morrow*.

Salmon Fisheries Commissioners Bill—*Ordered* (*Mr. Winterbotham, Mr. Secretary Bruce*); *presented*, and read the first time [Bill 85] 1094

LORDS, FRIDAY, FEBRUARY 28.

Their Lordships met;—and having gone through the Business on the Paper, without debate [House adjourned.]

COMMONS, FRIDAY, FEBRUARY 28.

Extradition Treaty with Portugal — Capital Punishment — Question, Mr. Gilpin; Answer, Viscount Enfield 1095
Army—Medical Department—Dental Surgery—Question, Dr. Brewer; Answer, Sir Henry Storks 1095
Loans to Political Parties—Spain—Charles VII.—Question, Mr. Stapleton; Answer, The Attorney General 1095
Tramway Bills—Question, Mr. Eykyn; Answer, Mr. Chichester Fortescue 1097
Navy—Greenwich Naval College—Dr. Armstrong—Question, Mr. A. Guest; Answer, Mr. Goschen 1097
Navy—Straits of Magellan—Question, Sir James Elphinstone; Answer, Mr. Goschen 1098

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RUSSIA AND PERSIA—VALLEY OF THE ATTREK—Question, Mr. Osborne; Answer, Viscount Enfield 1099
MERCHANT SHIPPING ACT—THE STEAMSHIP "PERU"—Question, Mr. Hambro; Answer, Mr. Bruce 1099
THE CONSULAR SERVICE—Question, Mr. Eastwick; Answer, Viscount Enfield 1100
POST OFFICE—THE CAPE COLONY—POSTAL CONTRACTS—Question, Mr. Salt; Answer, Mr. Monsell 1101
POST OFFICE—HALFPENNY POST-CARDS—Question, Mr. Welby; Answer, Mr. Monsell 1101

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

THE COLONIES—MOTION FOR A SELECT COMMITTEE—

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to consider the relations that subsist between the United Kingdom and the Colonies, particularly as they affect the direction which emigration takes and the occupation of waste lands within the Empire,"—(*Mr. Macfie*,)—instead thereof 1102

After debate, Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—*considered* in Committee—ARMY ESTIMATES.

(In the Committee.)

(1.) Original Question [Feb. 27] again proposed, "That a number of Land Forces, not exceeding 128,968, be maintained for the service of the United Kingdom of Great Britain and Ireland, and for Depôts for the training of Recruits for service at Home and Abroad, including Her Majesty's Indian Possessions, from the 1st day of April 1873 to the 31st day of March 1874, inclusive" .. 1123

Whereupon Question again proposed, "That a number of Land Forces, not exceeding 118,968, &c.,"—(*Mr. William Fowler*:)—After debate, Question put:—The Committee *divided;* Ayes 43, Noes 158; Majority 115.

Original Question put, and *agreed to.*

(2.) £5,072,500, Pay, Allowances, &c., of Land Forces.—After short debate, Vote *agreed to* 1155

(3.) £46,800, Divine Service.

(4.) £27,000, Administration of Military Law.

(5.) £247,400, Medical Establishments and Services.

(6.) Motion made, and Question proposed, "That a sum, not exceeding £815,400, be granted to Her Majesty, to defray the Charge for Militia Pay and Allowances, which will come in course of payment from the 1st day of April 1873 to the 31st day of March 1874, inclusive" 1155

After short debate, Motion made, and Question proposed, "That a sum, not exceeding £785,400, &c.,"—(*Sir David Wedderburn*:)—After further short debate, Question put:—The Committee *divided;* Ayes 32, Noes 137; Majority 105.

Original Question put, and *agreed to.*

(7.) £78,900, Yeomanry Cavalry.—After short debate, Vote *agreed to* .. 1157

(8.) £430,300, Volunteer Corps.—After short debate, Vote *agreed to* 1158

(9.) £123,200, Army Reserve Force (including Enrolled Pensioners).

Resolutions to be reported upon *Monday* next; Committee to sit again upon *Monday* next.

LORDS, MONDAY, MARCH 3.

TREATIES OF ARBITRATION—MOTION FOR AN ADDRESS—

Moved, "That an humble Address be presented to Her Majesty, praying that all Treaties or Conventions by which disputed questions between Great Britain and a foreign power are referred to Arbitration, may be laid upon the Table of both Houses of Parliament six weeks before they are definitively ratified,"—(*The Lord Campbell*) .. 1159

After debate, on Question? *Resolved* in the *Negative.*

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Epping Forest Bill (No. 19)—
Moved, "That the Bill be now read 2ª,"—(*The Duke of St. Albans*) .. 1178
After short debate, Motion *agreed to*:—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Monday* the 17*th instant*.

COMMISSIONS IN THE ARMY — Question, Observations, The Duke of Richmond; Reply, The Marquess of Lansdowne 1179

Intestates Widows and Children Bill [H.L.]—*Presented* (*The Lord Chelmsford*); read 1ª (No. 33) 1181

COMMONS, MONDAY, MARCH 3.

UNIVERSITY EDUCATION (IRELAND) BILL—Notice of Motion, Mr. Mitchell Henry 1181
LETTERS PATENT — Question, Mr. J. Howard; Answer, The Attorney General 1182
IRISH BILLS—Question, Mr. Vance; Answer, The Marquess of Hartington 1182
JUDGE OF THE PROBATE AND DIVORCE COURT—Question, Mr. Raikes; Answer, Mr. Bruce 1182
THE GENEVA AWARD—Question, Mr. Goldsmid; Answer, Mr. Gladstone .. 1183
POST OFFICE—INSUFFICIENTLY STAMPED NEWSPAPERS—Question, Mr. R. N. Fowler; Answer, Mr. Monsell 1184
MERCHANT SHIPPING ACT—THE "PERU"—Questions deferred, Mr. Hambro; Observations, Mr. Chichester Fortescue, Mr. Bruce 1184
SPAIN—Question, Mr. Whitwell; Answer, Viscount Enfield 1185
ARMY—MILITIA PERMANENT STAFF SERGEANTS—Question, Mr. Wingfield Baker; Answer, Mr. Cardwell 1185
ARMY—THE NEW PAY REGULATIONS—Question, Major General Sir Percy Herbert; Answer, Mr. Cardwell 1186

University Education (Ireland) Bill [Bill 55]—
Moved, "That the Bill be now read a second time,"—(*Mr. Gladstone*) .. 1186
Amendment proposed,
To leave out from the word "That" to the end of the Question, in order to add the words "this House, while ready to assist Her Majesty's Government in passing a measure 'for the advancement of learning in Ireland,' regrets that Her Majesty's Government, previously to inviting the House to read this Bill a second time, have not felt it to be their duty to state to the House the names of the twenty-eight persons who it is proposed shall at first constitute the ordinary members of the Council,"—(*Mr. Bourke*,)—instead thereof.
Question proposed, "That the words proposed to be left out stand part of the Question:"—After long debate, *Moved*, "That the Debate be now adjourned,"—(*Mr. Horsman*:)—Motion *agreed to*:— Debate *adjourned* till *Thursday*.

Mutiny Bill—*Ordered* (*Mr. Bonham-Carter, Mr. Secretary Cardwell, Mr. Campbell-Bannerman*) 1277

LORDS, TUESDAY, MARCH 4.

GAME, &C.—Motion for a Return (*The Earl of Malmesbury*) 1278
Motion amended, and *agreed to*.
Ordered, That there be laid before the House, Return of the numbers of Game, Wild Fowl, and Hares and Rabbits sold by the Licensed Game Dealers in England, Wales, and Scotland during the year 1872.

COMMONS, TUESDAY, MARCH 4.

BETHNAL GREEN MUSEUM—THE TURNER DRAWINGS—Questions, Mr. Charles Reed; Answers, Mr. Baxter, Mr. W. E. Forster 1283
POLICE SUPERANNUATION—Question, Sir John Ogilvy; Answer, Mr. Bruce 1284
POST OFFICE—THE ANGLO-ITALIAN MAILS—Question, Sir David Wedderburn; Answer, Mr. Monsell 1284

METROPOLITAN BOARD OF WORKS—THANKSGIVING IN THE METROPOLITAN CATHEDRAL—Question, Mr. Bowring; Answer, Colonel Hogg .. 1285

RAILWAY COMPANIES AND THE COAL TRADE—Questions, Mr. J. B. Smith, Mr. Eykyn; Answers, Mr. Chichester Fortescue 1286

ARMY—THE EASTER VOLUNTEER REVIEW—Question, Mr. Henry Samuelson; Answer, Mr. Cardwell 1286

ELEMENTARY EDUCATION ACT, 1870—Questions, Mr. Kay-Shuttleworth, Mr. Dixon; Answers, Mr. Gladstone 1287

COUNTY PALATINE OF DURHAM—THE QUEEN v. COTTON—Question, Mr. Wheelhouse; Answer, Mr. Gladstone 1288

COUNTY COURT JUDGES—MINUTE OF JUNE 1872—RESOLUTION—

Moved, "That the application of the Treasury Minute dated the 22nd day of June 1872, to County Court Judges appointed prior to the 17th day of September 1870, will be unjust and inequitable; and that no Judge appointed before such date should be subjected to the operation of any Minute which will prejudicially affect the position upon the faith of which he accepted his appointment,"—(*Mr. James*) 1289

After debate, Motion *agreed to*.

TREATIES WITH FOREIGN POWERS—RESOLUTION—

Moved, "That, in the opinion of this House, all Treaties with Foreign Powers ought to be made conditionally on the approval of Parliament, as was done in the case of the Commercial Treaty with France in 1860,"—(*Mr. Aytoun*) 1309

After debate, Question put, and *negatived*.

MERCANTILE MARINE—MOTION FOR AN ADDRESS—

Moved, "That an humble Address be presented to Her Majesty, praying that She will be pleased to issue a Royal Commission to inquire into the condition of, and certain practices connected with, the Commercial Marine of the United Kingdom,"—(*Mr. Plimsoll*) 1319

Amendment proposed,

To leave out the words "an humble Address be presented to Her Majesty, praying that She will be pleased to issue a Royal Commission to inquire into," in order to insert the words "it is desirable that a Bill be forthwith introduced into this House by Her Majesty's Government for the purpose of constituting a Commission to inquire into upon oath and report upon,"—(*Mr. Clay*,)—instead thereof 1334

Question proposed, "That the words proposed to be left out stand part of the Question:"—After long debate, Amendment and Motion, by leave, *withdrawn*.

PARLIAMENT—BUSINESS OF THE HOUSE (OPPOSED BUSINESS)—RESOLUTION—

Moved, "That, except for a Money Bill, no Order of the Day or Notice of Motion be taken after half-past Twelve of the clock at night, with respect to which Order or Notice of Motion, a Notice of Opposition or Amendment shall have been printed on the Notice Paper, or if such Notice of Motion shall only have been given the next previous day of sitting, and objection shall be taken when the Notice is called,"—(*Mr. Bouverie*) .. 1362

After short debate, Amendment proposed, after the word "Day," in line 2, to insert the words "for the Second Reading of a Bill,"—(*Mr. Charley.*)

Question proposed, "That those words be there inserted:"—After further short debate, Amendment, by leave, *withdrawn*.

Main Question put:—The House *divided;* Ayes 191, Noes 37; Majority 154.

Married Women's Property Act (1870) Amendment (No. 2) Bill [Bill 24]—

Order for Committee read:—*Moved*, "That Mr. Speaker do now leave the Chair,"—(*Mr. Staveley Hill*) 1364

Amendment proposed, to leave out from the word "That," to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into the said Committee,"—(*Mr. Hinde Palmer*,)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question:"—*Moved*, "That the Debate be now adjourned,"—(*Colonel Barttelot*:)—Motion *agreed to*:—Debate *adjourned* till *Tuesday* 22nd April.

Locomotives on Roads Bill—*Ordered* (*Mr. Cawley, Mr. Wykeham Martin, Mr. Frederick Stanley, Mr. Hick, Mr. Pender*) ; *presented*, and read the first time [Bill 88] 1365

Children's Protection Bill—*Ordered* (*Mr. Mundella, Mr. Andrew Johnston, Mr. John Gilbert Talbot, Mr. Raikes*) ; *presented*, and read the first time [Bill 89] 1365

COMMONS, WEDNESDAY, MARCH 5.

Municipal Officers Superannuation Bill [Bill 6]—
Moved, "That the Bill be now read a second time,"—(*Mr. Rathbone*) .. 1366
Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Mr. Joshua Fielden.*)
After debate, Question put, "That the word 'now' stand part of the Question :"—The House *divided ;* Ayes 101, Noes 44; Majority 57.
Main Question put, and *agreed to :*—Bill read a second time, and *committed* for *To-morrow.*

Salmon Fisheries Bill [Bill 19]—
Moved, "That the Bill be now read a second time,"—(*Mr. Dillwyn*) .. 1373
After debate, Motion *agreed to :*—Bill read a second time, and *committed* for *Monday* next.

Weights and Measures (Metric System) Bill—*Ordered* (*Mr. John Benjamin Smith, Sir Charles Adderley, Sir Thomas Bazley, Mr. Torr, Mr. Baines, Mr. Pell, Mr. Muntz, Mr. Dalglish*) ; *presented*, and read the first time [Bill 90] 1380

LORDS, THURSDAY, MARCH 6.

Intestates Widows and Children Bill (No. 33)—
Moved, "That the Bill be now read 2^a,"—(*The Lord Chelmsford*) .. 1380
After short debate, Motion *agreed to :*—Bill read 2^a, and *committed* to a Committee of the Whole House *To-morrow.*

Bastardy Laws Amendment Bill (No. 29)—
Moved, "That the House be put into a Committee on the said Bill,"—(*The Earl of Shaftesbury*) 1381
After short debate, Motion *withdrawn :*—Committee *put off* to *Tuesday* next.

Juries Act (Ireland), 1871—Question, Observations, The Earl of Limerick ; Reply, Lord O'Hagan 1382

COMMONS, THURSDAY, MARCH 6.

University Education (Ireland) Bill—Notice, Lord George Hamilton 1389
Irish Fishery Loans—Question, Mr. H. A. Herbert; Answer, The Marquess of Hartington 1390
Fisher Lads—Great Grimsby—Question, Mr. Seely ; Answer, Mr. Bruce 1390
France—The Commercial Treaty—Question, Mr. Bowring ; Answer, Viscount Enfield 1392
Army—The New Pay Regulations—Question, Lord Eustace Cecil ; Answer, Mr. Cardwell 1393
Army — Gratuities — Army Circulars 1870-1872 — Question, Major Arbuthnot ; Answer, Mr. Cardwell 1393
Merchant Seamen's Act—The Ship "Peru"—Questions, Mr. Hambro, Sir John Pakington ; Answers, Mr. Bruce 1394
Navy—Post Office Orders—Question, Sir John Hay ; Answer, Mr. Goschen 1395
University Education (Ireland) Bill—The Select Committee—Question, Mr. Mitchell Henry ; Answer, Mr. Dodson 1396
Railway and Canal Traffic Bill—Question, Sir Herbert Croft ; Answer, Mr. Chichester Fortescue 1396
Merchant Shipping Code Bill—Question, Mr. Corrance ; Answer, Mr. Chichester Fortescue 1397

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University Education (Ireland) Bill [Bill 55]—
Order read, for resuming Adjourned Debate on Amendment proposed to Question [3rd March]: — Question again proposed: — Debate *resumed*—[*Second Night*] 1398
After long debate, *Moved,* "That the Debate be now adjourned,"—(*Mr. Vernon Harcourt:*)—Motion *agreed to:*—Debate *further adjourned* till *Monday* next.

Custody of Infants Bill [Bill 67]—
Consideration 1513
Amendments made:—Bill to be read the third time *To-morrow.*

LORDS, FRIDAY, MARCH 7.

CRIMINAL LAW—NEWBURY MAGISTRATES—Question, Earl De La Warr; Answer, The Earl of Morley 1514

Poor Allotments Management Bill [H.L.] (No. 20)—
Moved, "That the Bill be now read 2ª,"—(*The Duke of Richmond*) .. 1515
Motion *agreed to:*—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Friday* next.

WEST COAST OF AFRICA — INVASION OF THE ASHANTEES — Question, Observations, The Earl of Lauderdale; Reply, The Earl of Kimberley .. 1515

COMMONS, FRIDAY, MARCH 7.

IRELAND—DUBLIN COLLEGE OF SCIENCE—Question, Mr. Pim; Answer, Mr. Gladstone 1518

POST OFFICE—INSUFFICIENTLY STAMPED NEWSPAPERS—Question, Mr. R. N. Fowler; Answer, Mr. Monsell 1519

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

DEFENCE OF THE COLONIES—RESOLUTION—
Amendment proposed,
To leave out from the word "That" to the end of the Question, in order to add the words "this House is of opinion that the time has now come when, having regard to the best interests of the Empire, the taxpayers of the United Kingdom should be relieved from the unequal burden of taxation which they have hitherto borne for Imperial purposes; and that with this view each Colony should be invited to contribute, in proportion to its population and wealth, such annual contingents of men or such sums of money towards the defence of the Empire as may, by arrangement between the Home and Colonial Governments, be hereafter deemed just and necessary,"—(*Lord Eustace Cecil,*)—instead thereof 1520
Question proposed, "That the words proposed to be left out stand part of the Question:"—After debate, Amendment, by leave, *withdrawn.*

INDIA—RAILWAY GAUGE—RESOLUTION—Amendment proposed,
To leave out from the word "That" to the end of the Question, in order to add the words "it is contrary to Imperial policy to allow a break of gauge in the Railway communication between the important frontier town of Peshawur and the main Railway system of India,"—(*Mr. Laing,*)—instead thereof 1535
Question proposed, "That the words proposed to be left out stand part of the Question:"—After long debate, Amendment, by leave, *withdrawn.*

IRELAND—OVERFLOWING OF THE SHANNON—RESOLUTION—
Amendment proposed,
To leave out from the word "That" to the end of the Question, in order to add the words "the evils brought upon a large portion of Ireland by the periodical floods of the Shannon and her tributaries are attributable to the state of the navigation works, and to the neglect of the recommendations of the Commissioners appointed under the Act 5 and 6 Will. 4, c. 67; and that the navigation works, which are the property of the Government, and under their exclusive control, are far behind the present state of

SUPPLY—IRELAND—OVERFLOWING OF THE SHANNON—*continued.*

engineering science, and admit of great improvement at a comparatively moderate cost; and that it is reasonable and right that, whilst amply maintaining the means of public navigation, measures should be forthwith adopted to relieve a district of many hundreds of miles of the vast and unnecessary suffering inflicted upon it by the useless impounding of the waters of the River Shannon,"—(*Mr. Mitchell Henry,*)—instead thereof 1569

Question proposed, "That the words proposed to be left out stand part of the Question:"—After debate, Amendment, by leave, *withdrawn.*

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—*considered* in Committee—ARMY ESTIMATES.

(In the Committee.)

(1.) Motion made, and Question proposed, "That a sum, not exceeding £85,000, be granted to Her Majesty (in addition to the sum of £853,500 already voted for the service of the year 1872-73), to defray the Charges which will come in course of payment during the year ending on the 31st day of March 1873, for the Establishment of, and Expenditure incurred by, the Army Purchase Commissioners, and for the purchase of the remaining Commissions of Gentlemen at Arms" .. 1591

Moved, "That the Chairman do report Progress, and ask leave to sit again,"—(*Lord Elcho,*)—put, and *negatived.*

Original Question put, and *agreed to.*

(2.) £841,900, Army Purchase Commission, &c.

Resolutions to be reported upon *Monday* next; Committee to sit again upon *Monday* next.

LORDS, MONDAY, MARCH 10.

ARMY REGULATION ACT—ABOLITION OF PURCHASE—Question, Observations, The Duke of Richmond; Reply, The Marquess of Lansdowne:—Debate thereon 1592

ARMY—RECRUITS—NUMBERS AND QUALITY—

Motion for Returns,—(*The Duke of Richmond*) 1609

After short debate, Motion *agreed to.*

COMMONS, MONDAY, MARCH 10.

CHINA—TREATY OF TIEN-TSIN—Question, Mr. Akroyd; Answer, Viscount Enfield 1610

IRELAND—REPRODUCTIVE LOAN FUND—Question, Mr. H. A. Herbert; Answer, The Marquess of Hartington 1611

THEATRE REGULATION ACT—"THE HAPPY LAND"—Question, Sir Lawrence Palk; Answer, Mr. Bruce 1611

POST OFFICE—REGISTERED LETTERS—Question, Mr. Torr; Answer, Mr. Monsell 1612

THE GENEVA AWARD—THE ARBITRATORS—Question, Mr. Cavendish Bentinck; Answer, Mr. Gladstone 1613

ARMY REGULATION BILL—HALF-PAY OFFICERS—Question, Sir George Jenkinson; Answer, Mr. Cardwell 1614

UNITED STATES—BRITISH VESSELS IN AMERICAN WATERS—Question, Mr. C. Dalrymple; Answer, Mr. Chichester Fortescue 1615

DISAPPEARANCE OF MR. SELBY—Question, Mr. W. M. Torrens; Answer, Viscount Enfield 1615

UNIVERSITY EDUCATION (IRELAND) BILL—Question, Mr. P. J. Smyth; Answer, Mr. Bourke:—Debate thereon 1615

University Education (Ireland) Bill [Bill 55]—

Order read, for resuming Adjourned Debate on Amendment proposed to Question [3rd March]:—Question again proposed:—Debate *resumed*—[*Third Night*] 1617

After long debate, *Moved,* "That the Debate be now adjourned,"—(*Colonel Wilson Patten:*)—After further short debate, Motion *agreed to:* Debate *further adjourned* till *To-morrow.*

PUBLIC DEPARTMENTS (PURCHASES, &c.)—
Select Committee *appointed,* "to inquire into and report upon the existing principles and practice which in the several Public Departments and Bodies regulate the purchase and sale of Materials and Stores,"—(*Mr. Holms* :)—Committee *nominated* :—List of the Committee 1714

LORDS, TUESDAY, MARCH 11.

Supreme Court of Judicature Bill [H.L.] (No. 14)—
Moved, "That the Bill be now read 2ª,"—(*The Lord Chancellor*) .. 1714
Amendment *moved,* to leave out ("now") and insert ("this day six months,")—(*The Lord Denman.*)
After debate, on Question, That ("now") stand part of the Motion? *Resolved* in the *Affirmative* :—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

COMMONS, TUESDAY, MARCH 11.

UNIVERSITY EDUCATION (IRELAND) BILL—CLAUSE 11 (DEGREES)—Question, Mr. Macfie; Answer, Mr. Gladstone 1739
LANDLORD AND TENANT BILL—Question, Lord Elcho; Answer, Mr. J. Howard 1740
University Education (Ireland) Bill [Bill 55]—
Order read, for resuming Adjourned Debate on Amendment proposed to Question [3rd March] :—Question again proposed :—Debate *resumed*—[*Fourth Night*] 1741
After long debate, Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to* :—Main Question put :—The House *divided;* Ayes 284, Noes 287; Majority 3.
Moved, "That the House do now adjourn,"—(*Mr. Gladstone* :)—Motion *agreed to* :—House at rising to adjourn till *Thursday.*
Ordered, That all Committees have leave to sit To-morrow, notwithstanding the adjournment of the House.—(*Mr. Gladstone.*)

LORDS, THURSDAY, MARCH 13.

RESIGNATION OF MINISTERS—Ministerial Statement, Earl Granville :—Short debate thereon 1868
Marriage with a Deceased Wife's Sister Bill (No. 21)—
Moved, "That the Bill be now read 2ª,"—(*The Lord Houghton*) .. 1870
Amendment *moved,* to leave out ("now,") and insert ("this day six months,")—(*The Earl Beauchamp* :)—After long debate, on Question, That ("now") stand part of the Motion? their Lordships *divided;* Contents 49, Not-Contents 74; Majority 25 :—*Resolved* in the *Negative* : —Bill to be read 2ª *this day six months.*
Division List, Contents and Not-Contents 1907

COMMONS, THURSDAY, MARCH 13.

RESIGNATION OF MINISTERS—MINISTERIAL STATEMENT, Mr. Gladstone.
Moved, "That this House at its rising do adjourn till *Monday* next,"—(*Mr. Gladstone*) 1909
After short debate, Motion *agreed to.*
Moved, "That this House do now adjourn,"—(*Mr. Gladstone.*)
After further short debate, Motion, by leave, *withdrawn.*
Ordered, That all Committees have leave to sit, notwithstanding the adjournment of the House,—(*Mr. Gladstone.*)
Moved, "That this House do now adjourn,"—(*Mr. Gladstone.*)
Motion *agreed to.*

LORDS, FRIDAY, MARCH 14.

Their Lordships met;—and having gone through the Business on the Paper, without debate— [House adjourned.]

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LORDS, MONDAY, MARCH 17.

Page

Resignation of Ministers—Ministerial Statement, Earl Granville .. 1914
Moved, "That the House at its rising do adjourn to *Thursday* next,"—(*The Earl Granville:*)—After short debate, Motion *agreed to.*

COMMONS, MONDAY, MARCH 17.

Resignation of Ministers—Ministerial Statement, Mr. Gladstone .. 1916
Moved, "That the House at its rising do adjourn till Thursday,"—(*Mr. Gladstone:*)—After short debate, Motion *agreed to.*
House at rising to adjourn till *Thursday.*
Moved, "That all Committees have leave to sit, notwithstanding the adjournment of the House,"—(*Mr. Gladstone:*)—Motion *agreed to.*
Moved, "That the House do now adjourn,"—(*Mr. Gladstone:*)—Motion *agreed to.*

LORDS, TUESDAY, MARCH 18.

Their Lordships met;—and having gone through the Business on the Paper, without debate— [House adjourned.]

LORDS, THURSDAY, MARCH 20.

Resignation of Ministers—Ministerial Explanation, Earl Granville; Observations, The Duke of Richmond 1919
Palace of Westminster—The House of Commons—The Peers' Gallery—Observations, The Earl of Malmesbury; Reply, Earl Granville:—Short debate thereon 1922

COMMONS, THURSDAY, MARCH 20.

Resignation of Ministers—Ministerial Explanation, Mr. Gladstone; Observations, Mr. Disraeli 1924
Parliament—Order of Public Business—Question, Mr. J. Lowther; Answer, Mr. Gladstone 1945
University Tests (Dublin) Bill—Question, Mr. Dixon; Answer, Mr. Fawcett 1946
Malt Tax—Question, Sir George Jenkinson; Answer, Colonel Barttelot .. 1946

Registration for Parliamentary and Municipal Electors Bill
Moved, "That the Bill be now read a second time,"—(*Mr. Attorney General*) 1947
After short debate, Motion *agreed to:*—Bill read a second time, and *committed* for *Thursday* next.

Salmon Fisheries Commissioners Bill [Bill 85]—
Bill *considered* in Committee 1958
After short time spent therein, Bill *reported,* without Amendment; to be read the third time upon *Monday* next.

Public Worship Facilities Bill [Bill 27]—
Bill *considered* in Committee 1959
After short time spent therein, Bill *reported;* as amended, to be considered upon *Monday* next. [House counted out.]

LORDS, FRIDAY, MARCH 21.

Their Lordships met;—and having gone through the Business on the Paper, without debate— [House adjourned.]

COMMONS, FRIDAY, MARCH 21.

Juries (Ireland) Act—Select Committee—Notice, Mr. Bruen; Question, Viscount Crichton; Answer, The Marquess of Hartington .. 1960
Railways—The Heberlein Break—Question, Sir Henry Selwin-Ibbetson; Answer, Viscount Enfield 1961

Central Asia—Russian Expedition to Khiva—Question, Mr. Eastwick; Answer, Viscount Enfield 1962

Agricultural Returns—Question, Mr. Dent; Answer, Mr. Chichester Fortescue 1962

Army—Kriegspiel—Question, Mr. H. Samuelson; Answer, Mr. Cardwell 1963

Supply—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

International Law—The New Rules—Motion for an Address—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying Her Majesty that, having regard to the oppressive and impracticable character of the obligations, hitherto unknown to International Law, which would be imposed upon neutral nations through the interpretation placed by the Tribunal of Geneva upon the three Rules in the 6th Article of the Treaty of Washington, and upon the principles of International Law with respect to the duties of neutrals in connection with the subject-matter of the said Rules, Her Majesty will be graciously pleased, in bringing these Rules to the knowledge of other maritime powers and inviting them to accede to the same, to declare to them, and also to the Government of the United States, Her Majesty's dissent from the principles set forth by the Tribunal as the basis of their award, principles which, by unduly enlarging the rights of belligerent powers against neutrals, would discourage in the future the observance of neutrality by States desirous of peace,"—(*Mr. Gathorne Hardy,*)—instead thereof 1963

Question proposed, "That the words proposed to be left out stand part of the Question:"—After long debate, Amendment, by leave, *withdrawn.*

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—*considered* in Committee—Civil Service Estimates.

(In the Committee.)

(1.) That a sum, not exceeding £26,338 11*s.* 8*d.*, be granted to Her Majesty, to make good Excesses of Expenditure beyond the Grants for the following Civil Services for the year ended on the 31st day of March 1872 2055

[Then the several Services are set forth.]

After short debate, Vote *agreed to.*

(2.) Motion made, and Question proposed, "That a sum, not exceeding £209,551 8*s.* 1*d.*, be granted to Her Majesty, to make good Excesses of Expenditure beyond the Grants for the following Revenue Departments for the year ending on the 31st day of March 1872, viz.:—

	£	*s.*	*d.*
Post Office	37,775	10	0
Post Office Telegraph Service	171,775	18	1
	£209,551	8	1

After short debate, *Moved,* "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Fawcett:*)—After further short debate, Question put:—The Committee *divided;* Ayes 23, Noes 64; Majority 41.

Original Question put, and *agreed to.*

(3.) Motion made, and Question proposed, "That a sum, not exceeding £1,842,000, be granted to Her Majesty, on account, for or towards defraying the Charge for the following Civil Services, to the 31st day of March 1874 2060

[Then the Civil Services are set forth.]

Moved, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Fawcett:*)—The Committee *divided;* Ayes 24, Noes 62; Majority 38.

Original Question again proposed.

Moved, "That the Chairman do now leave the Chair,"—(*Mr. Monk:*)—The Committee *divided;* Ayes 24, Noes 59; Majority 35.

Original Question put, and *agreed to.*

Resolutions to be reported upon *Monday* next; Committee to sit again upon *Monday* next.

University Fellowships (Compensation) Bill—

Moved, "That leave be given to bring in a Bill to limit the amount of compensation which shall be granted on the abolition of Fellowships in the Universities of Oxford and Cambridge,"—(*Mr. Auberon Herbert.*)

Debate arising; Motion made, and Question, "That the Debate be now adjourned,"—(*Mr. Dillwyn,*)—put, and *negatived.*

Original Motion, by leave, *withdrawn.*

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Income Tax Assessment Bill—*Ordered* (*Mr. Baxter, Mr. William Henry Gladstone*); *presented*, and read the first time [Bill 98] 2063

Land Drainage Provisional Order Bill—*Ordered* (*Mr. Winterbotham, Mr. Secretary Bruce*); *presented*, and read the first time [Bill 97] 2064

Endowed Schools Address Bill—*Ordered* (*Mr. William Edward Forster, Mr. Winterbotham*); *presented*, and read the first time [Bill 94] 2064

Elementary Education Provisional Order Confirmation (No. 1) Bill—*Ordered* (*Mr. William Edward Forster, Mr. Winterbotham*); *presented*, and read the first time [Bill 95] 2064

Elementary Education Provisional Order Confirmation (No. 2) Bill—*Ordered* (*Mr. William Edward Forster, Mr. Winterbotham*); *presented*, and read the first time [Bill 96] 2064

Public Health Bill—*Ordered* (*Sir Charles Adderley, Mr. Francis Sharp Powell, Mr. Whitbread, Lord Robert Montagu, Mr. Stephen Cave, Mr. Richards*); *presented*, and read the first time [Bill 99] 2064

LORDS.

NEW PEERS.

THURSDAY, FEBRUARY 6, 1873.

The Right Hon. Sir Roundell Palmer, Lord Chancellor of Great Britain, created Baron Selborne.

Sir John Hanmer, baronet, created Baron Hanmer.

SAT FIRST.

THURSDAY, FEBRUARY 20, 1873.

The Duke of Leeds, after the Death of his Father.

FRIDAY, MARCH 7.

The Lord Carysfort (*Earl of Carysfort*), after the Death of his Brother.

THURSDAY, MARCH 20.

The Lord Harris, after the Death of his Father.

REPRESENTATIVE PEER FOR IRELAND. (*Writ and Return.*)

THURSDAY, FEBRUARY 13.

Lord Crofton, *v.* Lord Clarina, deceased.

COMMONS.

NEW WRITS ISSUED.

DURING RECESS.

For *Preston*, *v.* Sir Thomas George Fermer Hesketh, baronet, deceased.

For *Flint Borough*, *v.* Sir John Hanmer, baronet, now Baron Hanmer.

For *Richmond*, *v.* Right Hon. Sir Roundell Palmer, knight, Chancellor of Great Britain.

For *Tiverton*, *v.* Hon. George Denman, one of the Justices of Her Majesty's Court of Common Pleas.

For *Londonderry City*, *v.* Right Hon. Richard Dowse, one of the Barons of Her Majesty's Court of Exchequer in Ireland.

For *Cork City*, *v.* John Francis Maguire, esquire, deceased.

For *Kincardine County*, *v.* James Dyce Nicol, esquire, deceased.

For *Forfar County*, *v.* Hon. Charles Carnegie, Inspector of Constabulary in Scotland.

For *Orkney and Shetland*, *v.* Frederick Dundas, esquire, deceased.

For *Liverpool*, *v.* Samuel Robert Graves, esquire, deceased.

THURSDAY, FEBRUARY 6, 1873.

For *Armagh County*, *v.* Sir William Verner, baronet, deceased.

For *Wigtonshire*, *v.* Hon. Alan Plantagenet Stewart, commonly called Lord Garlies, called up to the House of Peers.

MONDAY, FEBRUARY 10.

For *Lisburn*, *v.* Edward Wingfield Verner, esquire, Chiltern Hundreds.

FRIDAY, FEBRUARY 21.

For *Mid Cheshire*, *v.* George Cornwall Legh, esquire, Chiltern Hundreds.

THURSDAY, MARCH 20.

For *Tyrone County*, *v.* The Right Hon. Henry Thomas Lowry Corry, deceased.

NEW MEMBERS SWORN.

THURSDAY, FEBRUARY 6, 1873.

Pontefract—Right Hon. Hugh Culling Eardley Childers.
Preston—John Holker, esquire.
Tiverton—Right Hon. William Nathaniel Massey.
Flint Borough—Sir Robert Alfred Cunliffe, baronet.
Forfar County—James William Barclay, esquire.
Orkney and Shetland—Samuel Laing, esquire.
Kincardine—Sir George Balfour.
Londonderry City—Charles Edward Lewis, esquire.
Richmond—Lawrence Dundas, esquire.

MONDAY, FEBRUARY 10.

Liverpool—John Torr, esquire.

THURSDAY, FEBRUARY 27.

Lisburn—Sir Richard Wallace, baronet.
Wigtonshire—Robert Vans Agnew, esquire.
Armagh County—Edward Wingfield Verner, esquire.

MONDAY, MARCH 3.

Cork City—Joseph Philip Ronayne, esquire.

MONDAY, MARCH 10.

Mid Cheshire—Egerton Leigh, esquire.

THE MINISTRY

AS FORMED BY THE RIGHT HONOURABLE WILLIAM EWART GLADSTONE.

THE CABINET.

First Lord of the Treasury	Right Hon. William Ewart Gladstone.
Lord Chancellor	Right Hon. Lord Selborne.
President of the Council	Most Hon. Marquess of Ripon, K.G.
Lord Privy Seal	Right Hon. Viscount Halifax, G.C.B.
Secretary of State, Home Department	Right Hon. Henry Austin Bruce.
Secretary of State, Foreign Department	Right Hon. Earl Granville, K.G.
Secretary of State for Colonies	Right Hon. Earl of Kimberley.
Secretary of State for War	Right Hon. Edward Cardwell.
Secretary of State for India	His Grace the Duke of Argyll, K.G.
Chancellor of the Exchequer	Right Hon. Robert Lowe.
Chancellor of the Duchy of Lancaster	Right Hon. Hugh Culling Eardley Childers.
First Lord of the Admiralty	Right Hon. George Joachim Goschen.
President of the Board of Trade	Right Hon. Chichester Samuel Fortescue.
Chief Secretary to the Lord Lieutenant (Ireland)	Right Hon. Marquess of Hartington.
Chief Commissioner of the Poor Law Board	Right Hon. James Stansfeld.

NOT IN THE CABINET.

Field Marshal Commanding-in-Chief	H.R.H. the Duke of Cambridge, K.G.
Chief Commissioner of Works and Public Buildings	Right Hon. Acton Smee Ayrton.
Vice President of the Committee of Privy Council for Education	Right Hon. William Edward Forster.
Postmaster General	Right Hon. William Monsell.
Lords of the Treasury	Most Hon. Marquess of Lansdowne, William Patrick Adam, Esq., and William Henry Gladstone, Esq.
Lords of the Admiralty	Admiral Sir Alexander Milne, G.C.B., Rear Admiral John Walter Tarleton, C.B., Rear Admiral Frederick Beauchamp Paget Seymour, C.B., and Right Hon. Earl of Camperdown.
Joint Secretaries of the Treasury	Hon. George Grenfell Glyn, and William Edward Baxter, Esq.
Secretary of the Admiralty	George John Shaw-Lefevre, Esq.
Secretary to the Board of Trade	Arthur Wellesley Peel, Esq.
Secretary to the Poor Law Commissioners	John Tomlinson Hibbert, Esq.
Under Secretary, Home Department	Henry Selfe Page Winterbotham, Esq.
Under Secretary, Foreign Department	Viscount Enfield
Under Secretary for Colonies	Edward Hugessen Knatchbull-Hugessen, Esq.
Under Secretary for War	Hon. Captain John Cranch Walker Vivian.
Under Secretary for India	Mountstuart Elphinstone Grant Duff, Esq.
Judge Advocate General	Sir Robert Joseph Phillimore, Knt.
Attorney General	Sir John Duke Coleridge, Knt.
Solicitor General	Sir George Jessel, Knt.

SCOTLAND.

Lord Advocate	Right Hon. George Young.
Solicitor General	Andrew Rutherford Clark, Esq.

IRELAND.

Lord Lieutenant	Right Hon. Earl Spencer, K.G., K.P.
Lord Chancellor	Right Hon. Lord O'Hagan.
Chief Secretary to the Lord Lieutenant	Right Hon. Marquess of Hartington.
Attorney General	Right Hon. Christopher Palles.
Solicitor General	Hugh Law, Esq.

QUEEN'S HOUSEHOLD.

Lord Steward	Right Hon. Earl of Bessborough.
Lord Chamberlain	Right Hon. Viscount Sydney, G.C.B.
Master of the Horse	Most Hon. Marquess of Ailesbury, K.G.
Treasurer of the Household	Right Hon. Lord Poltimore.
Comptroller of the Household	Right Hon. Lord Otho Augustus FitzGerald.
Vice Chamberlain of the Household	Right Hon. Lord Richard de Aquila Grosvenor.
Captain of the Corps of Gentlemen at Arms	
Captain of the Yeomen of the Guard	His Grace the Duke of St. Albans.
Master of the Buckhounds	Right Hon. Earl of Cork, K.P.
Chief Equerry and Clerk Marshal	Lord Alfred Henry Paget.
Mistress of the Robes	Her Grace the Duchess of Sutherland.

ROLL OF THE

LORDS SPIRITUAL AND TEMPORAL

In the Fifth Session of the Twentieth Parliament of the
United Kingdom of Great Britain and Ireland.

36° VICTORIÆ 1873.

Mem.—*According to the Usage of Parliament, when the House appoints a Select Committee, the Lords appointed to serve upon it are named in the Order of their Rank, beginning with the Highest; and so, when the House sends a Committee to a Conference with the Commons, the Lord highest in Rank is called first, and the rest go forth in like Order: But when the Whole House is called over for any Purpose within the House, or for the Purpose of proceeding forth to Westminster Hall, or upon any public Solemnity, the Call begins invariably with the Junior Baron.*

His Royal Highness The Prince of Wales.
His Royal Highness Alfred Ernest Albert Duke of Edinburgh.
His Royal Highness George Frederick Alexander Charles Ernest Augustus Duke of Cumberland and Teviotdale. (*King of Hanover.*)
His Royal Highness George William Frederick Charles Duke of Cambridge.
Archibald Campbell Archbishop of Canterbury.
Roundell Lord Selborne, *Lord Chancellor.*
William Archbishop of York.
George Frederick Samuel Marquess of Ripon, *Lord President of the Council.*
Charles Viscount Halifax, *Lord Privy Seal.*

Henry Duke of Norfolk, *Earl Marshal of England.*
Edward Adolphus Duke of Somerset.
Charles Henry Duke of Richmond.
William Henry Duke of Grafton.
Henry Charles Fitzroy Duke of Beaufort.
William Amelius Aubrey de Vere Duke of Saint Albans.
George Godolphin Duke of Leeds.
Francis Charles Hastings Duke of Bedford.
William Duke of Devonshire.
John Winston Duke of Marlborough.
Charles Cecil John Duke of Rutland.
William Alexander Louis Stephen Duke of Brandon. (*Duke of Hamilton.*)
William John Duke of Portland.
William Drogo Duke of Manchester.
Henry Pelham Alexander Duke of Newcastle.
Algernon George Duke of Northumberland.
Arthur Richard Duke of Wellington.
Richard Plantagenet Campbell Duke of Buckingham and Chandos.
George Granville William Duke of Sutherland.
Harry George Duke of Cleveland.

John Marquess of Winchester.
John Sholto Marquess of Queensberry. (*Elected for Scotland.*)
George Marquess of Tweeddale. (*Elected for Scotland.*)
Henry Charles Keith Marquess of Lansdowne.
John Villiers Stuart Marquess Townshend.
Robert Arthur Talbot Marquess of Salisbury.
John Alexander Marquess of Bath.
James Marquess of Abercorn. (*Duke of Abercorn.*)
Francis Hugh George Marquess of Hertford.
John Patrick Marquess of Bute.
William Alleyne Marquess of Exeter.
Charles Marquess of Northampton.

John Charles Marquess Camden.

Henry William George Marquess of Anglesey.

William Henry Hugh Marquess of Cholmondeley.

George William Frederick Marquess of Ailesbury.

Frederick William John Marquess of Bristol.

Archibald Marquess of Ailsa.

Hugh Lupus Marquess of Westminster.

George Augustus Constantine Marquess of Normanby.

George Frederick Samuel Marquess of Ripon. (*In another Place as Lord President of the Council.*)

Charles John Earl of Shrewsbury.

Edward Henry Earl of Derby.

Francis Theophilus Henry Earl of Huntingdon.

George Robert Charles Earl of Pembroke and Montgomery.

William Reginald Earl of Devon.

Charles John Earl of Suffolk and Berkshire.

Rudolph William Basil Earl of Denbigh.

Francis William Henry Earl of Westmorland.

George Augustus Frederick Albemarle Earl of Lindsey.

George Harry Earl of Stamford and Warrington.

George James Earl of Winchilsea and Nottingham.

———— Earl of Chesterfield.

John William Earl of Sandwich.

Arthur Algernon Earl of Essex.

William George Earl of Carlisle.

Walter Francis Earl of Doncaster. (*Duke of Buccleuch and Queensberry.*)

Anthony Earl of Shaftesbury.

———— Earl of Berkeley.

Montagu Earl of Abingdon.

Richard George Earl of Scarbrough.

George Thomas Earl of Albemarle.

George William Earl of Coventry.

Victor Albert George Earl of Jersey.

William Henry Earl Poulett.

Sholto John Earl of Morton. (*Elected for Scotland.*)

Cospatrick Alexander Earl of Home. (*Elected for Scotland.*)

Claude Earl of Strathmore and Kinghorn. (*Elected for Scotland.*)

Thomas Earl of Lauderdale. (*Elected for Scotland.*)

David Graham Drummond Earl of Airlie. (*Elected for Scotland.*)

John Thornton Earl of Leven and Melville. (*Elected for Scotland.*)

Dunbar James Earl of Selkirk. (*Elected for Scotland.*)

Thomas John Earl of Orkney. (*Elected for Scotland.*)

Sewallis Edward Earl Ferrers.

William Walter Earl of Dartmouth.

Charles Earl of Tankerville.

Heneage Earl of Aylesford.

Francis Thomas De Grey Earl Cowper.

Philip Henry Earl Stanhope.

Thomas Augustus Wolstenholme Earl of Macclesfield.

James Earl Graham. (*Duke of Montrose.*)

William Frederick Earl Waldegrave.

Bertram Earl of Ashburnham.

Charles Wyndham Earl of Harrington.

Isaac Newton Earl of Portsmouth.

George Guy Earl Brooke and Earl of Warwick.

Augustus Edward Earl of Buckinghamshire.

William Thomas Spencer Earl Fitzwilliam.

Dudley Francis Earl of Guilford.

Charles Philip Earl of Hardwicke.

Henry Edward Earl of Ilchester.

Charles Richard Earl De La Warr.

Jacob Earl of Radnor.

John Poyntz Earl Spencer.

William Lennox Earl Bathurst.

Arthur Wills Blundell Trumbull Sandys Roden Earl of Hillsborough. (*Marquess of Downshire.*)

Edward Hyde Earl of Clarendon.

William David Earl of Mansfield.

William Earl of Abergavenny.

John James Hugh Henry Earl Strange. (*Duke of Athol.*)

William Henry Earl of Mount Edgcumbe.

Hugh Earl Fortescue.

Henry Howard Molyneux Earl of Carnarvon.

Henry Charles Earl Cadogan.

James Howard Earl of Malmesbury.

John Vansittart Danvers Earl of Lanesborough. (*Elected for Ireland.*)

Stephen Earl of Mount Cashell. (*Elected for Ireland.*)

Henry John Reuben Earl of Portarlington. (*Elected for Ireland.*)

William Richard Earl Annesley. (*Elected for Ireland.*)

John Earl of Erne. (*Elected for Ireland.*)

Charles Francis Arnold Earl of Wicklow. (*Elected for Ireland.*)

George Charles Earl of Lucan. (*Elected for Ireland.*)

Somerset Richard Earl of Belmore. (*Elected for Ireland.*)

Francis Earl of Bandon. (*Elected for Ireland.*)

Francis Robert Earl of Rosslyn.

George Grimston Earl of Craven.

William Hillier Earl of Onslow.

Charles Earl of Romney.

Henry Thomas Earl of Chichester.

Thomas Earl of Wilton.

Edward James Earl of Powis.

Horatio Earl Nelson.

Lawrence Earl of Rosse. (*Elected for Ireland.*)

Sydney William Herbert Earl Manvers.

Horatio Earl of Orford.

Henry Earl Grey.

Henry Earl of Lonsdale.

Dudley Earl of Harrowby.

Henry Thynne Earl of Harewood.

William Hugh Earl of Minto.

Alan Frederick Earl Cathcart.

James Walter Earl of Verulam.

Adelbert Wellington Brownlow Earl Brownlow.

Edward Granville Earl of Saint Germans.

Albert Edmund Earl of Morley.

Orlando George Charles Earl of Bradford.

Frederick Earl Beauchamp.

William Henry Hare Earl of Bantry. (*Elected for Ireland.*)

John Earl of Eldon.

George Augustus Frederick Louis Earl Howe.

Charles Sommers Earl Sommers.

John Edward Cornwallis Earl of Stradbroke.

George Henry Robert Charles William Earl Vane. (*Marquess of Londonderry.*)

William Pitt Earl Amherst.

John Frederick Vaughan Earl Cawdor.

William George Earl of Munster.

Robert Adam Philips Haldane Earl of Camperdown.

Thomas George Earl of Lichfield.

George Frederick D'Arcy Earl of Durham.

Granville George Earl Granville.

Henry Earl of Effingham.

Henry John Earl of Ducie.

Charles Maude Worsley Earl of Yarborough.

James Henry Robert Earl Innes. (*Duke of Roxburghe.*)

Thomas William Earl of Leicester.

William Earl of Lovelace.

Thomas Earl of Zetland.

Charles George Earl of Gainsborough.

Francis Charles Granville Earl of Ellesmere.

George Stevens Earl of Strafford.

William John Earl of Cottenham.

Henry Richard Charles Earl Cowley.

Archibald William Earl of Winton. (*Earl of Eglintoun.*)

William Earl of Dudley.

John Earl Russell.

John Earl of Kimberley.

Richard Earl of Dartrey.

William Ernest Earl of Feversham.

Frederick Temple Earl of Dufferin.

John Robert Viscount Sydney, *Lord Chamberlain of the Household.*

Robert Viscount Hereford.

William Henry Viscount Strathallan. (*Elected for Scotland.*)

Henry Viscount Bolingbroke and St. John.

Evelyn Viscount Falmouth.

George Viscount Torrington.

Augustus Frederick Viscount Leinster. (*Duke of Leinster.*)

John Robert Viscount Sydney. (*In another Place as Lord Chamberlain of the Household.*)

Francis Wheler Viscount Hood.

Mervyn Viscount Powerscourt. (*Elected for Ireland.*)

Thomas Viscount De Vesci. (*Elected for Ireland.*)

James Viscount Lifford. (*Elected for Ireland.*)

Edward Viscount Bangor. (*Elected for Ireland.*)
Hayes Viscount Doneraile. (*Elected for Ireland.*)
Cornwallis Viscount Hawarden. (*Elected for Ireland.*)
Carnegie Robert John Viscount St. Vincent.
Henry Viscount Melville.
William Wells Viscount Sidmouth.
George Frederick Viscount Templetown. (*Elected for Ireland.*)
George Viscount Gordon. (*Earl of Aberdeen.*)
Edward Viscount Exmouth.
John Luke George Viscount Hutchinson. (*Earl of Donoughmore.*)
William Thomas Viscount Clancarty. (*Earl of Clancarty.*)
Wellington Henry Viscount Combermere.
John Henry Thomas Viscount Canterbury.
Rowland Viscount Hill.
Charles Stewart Viscount Hardinge.
George Stephens Viscount Gough.
Stratford Viscount Stratford de Redcliffe.
Charles Viscount Eversley.
Charles Viscount Halifax. (*In another Place as Lord Privy Seal.*)
Alexander Nelson Viscount Bridport.
John Evelyn Viscount Ossington.

John Bishop of London.
Charles Bishop of Durham.
Samuel Bishop of Winchester.
Connop Bishop of St. David's.
Alfred Bishop of Llandaff.
Robert Bishop of Ripon.
John Thomas Bishop of Norwich.
James Colquhoun Bishop of Bangor.
Henry Bishop of Worcester.
Charles John Bishop of Gloucester and Bristol.
Edward Harold Bishop of Ely.
William Bishop of Chester.
Thomas Legh Bishop of Rochester.
George Augustus Bishop of Lichfield.
James Bishop of Hereford.
William Connor Bishop of Peterborough.
Christopher Bishop of Lincoln.
George Bishop of Salisbury.
Frederick Bishop of Exeter.
Harvey Bishop of Carlisle.
Arthur Charles Bishop of Bath and Wells.
John Fielder Bishop of Oxford.
James Bishop of Manchester.
Richard Bishop of Chichester.

John George Brabazon Lord Ponsonby (*Earl of Bessborough*), *Lord Steward of the Household.*
George Douglas Lord Sundridge (*Duke of Argyll*), *One of Her Majesty's Principal Secretaries of State.*
William Lennox Lascelles Lord De Ros.
Bernard Edward Delaval Lord Hastings.
Thomas Crosby William Lord Dacre.
Charles Henry Rolle Lord Clinton.
Robert Lord Zouche of Haryngworth.
Thomas Lord Camoys.
Henry Lord Beaumont.
Alfred Joseph Lord Stourton.
Henry Lord Willoughby de Broke.
Sackville George Lord Conyers.
George Lord Vaux of Harrowden.
Ralph Gordon Lord Wentworth.
Robert George Lord Windsor.
St. Andrew Beauchamp Lord St. John of Bletso.
Frederick George Lord Howard de Walden.
William Bernard Lord Petre.
Frederick Benjamin Lord Saye and Sele.
John Francis Lord Arundell of Wardour.
John Stuart Lord Clifton. (*Earl of Darnley.*)
John Baptist Joseph Lord Dormer.
George Henry Lord Teynham.
Henry Valentine Lord Stafford.
George Frederick William Lord Byron.
Charles Hugh Lord Clifford of Chudleigh.
Alexander Lord Saltoun. (*Elected for Scotland.*)
James Lord Sinclair. (*Elected for Scotland.*)
William Buller Fullerton Lord Elphinstone. (*Elected for Scotland.*)

Charles Lord Blantyre. (*Elected for Scotland.*)

Charles John Lord Colville of Culross. (*Elected for Scotland.*)

Richard Edmund Saint Lawrence Lord Boyle. (*Earl of Cork and Orrery.*)

George Lord Hay. (*Earl of Kinnoul.*)

Henry Lord Middleton.

William John Lord Monson.

John George Brabazon Lord Ponsonby. (*Earl of Bessborough.*) (*In another Place as Lord Steward of the Household.*)

George John Lord Sondes.

Alfred Nathaniel Holden Lord Scarsdale.

Florance George Henry Lord Boston.

George James Lord Lovel and Holland. (*Earl of Egmont.*)

Augustus Henry Lord Vernon.

Edward St. Vincent Lord Digby.

George Douglas Lord Sundridge. (*Duke of Argyll.*) (*In another Place as One of Her Majesty's Principal Secretaries of State.*)

Edward Henry Julius Lord Hawke.

Henry Thomas Lord Foley.

Francis William Lord Dinevor.

Thomas Lord Walsingham.

William Lord Bagot.

Charles Henry Lord Southampton.

Fletcher Lord Grantley.

George Bridges Harley Dennett Lord Rodney.

William Gordon Cornwallis Lord Eliot.

William Lord Berwick.

James Henry Legge Lord Sherborne.

John Henry De La Poer Lord Tyrone. (*Marquess of Waterford.*)

Henry Bentinck Lord Carleton. (*Earl of Shannon.*)

Charles Lord Suffield.

Guy Lord Dorchester.

Lloyd Lord Kenyon.

Charles Cornwallis Lord Braybrooke.

George Hamilton Lord Fisherwick. (*Marquess of Donegal.*)

Henry Hall Lord Gage. (*Viscount Gage.*)

Edward Thomas Lord Thurlow.

William George Lord Auckland.

George William Lord Lyttelton.

George Lord Mendip. (*Viscount Clifden.*)

George Lord Stuart of Castle Stuart. (*Earl of Moray.*)

Alan Plantagenet Lord Stewart of Garlies. (*Earl of Galloway.*)

James George Henry Lord Saltersford. (*Earl of Courtown.*)

William Lord Brodrick. (*Viscount Midleton.*)

Frederick Henry William Lord Calthorpe.

Peter Robert Lord Gwydir.

Charles Robert Lord Carrington.

William Henry Lord Bolton.

George Lord Northwick.

Thomas Lyttleton Lord Lilford.

Thomas Lord Ribblesdale.

Edward Lord Dunsany. (*Elected for Ireland.*)

Theobald Fitz-Walter Lord Dunboyne. (*Elected for Ireland.*)

Cadwallader Davis Lord Blayney. (*Elected for Ireland.*)

Robert Lord Clonbrock. (*Elected for Ireland.*)

Charles Lord Headley. (*Elected for Ireland.*)

Dayrolles Blakeney Lord Ventry. (*Elected for Ireland.*)

Henry Francis Seymour Lord Moore. (*Marquess of Drogheda.*)

John Henry Wellington Graham Lord Loftus. (*Marquess of Ely.*)

William Lord Carysfort. (*Earl of Carysfort.*)

George Ralph Lord Abercromby.

John Thomas Lord Redesdale.

Horace Lord Rivers.

Charles Edmund Lord Ellenborough.

Augustus Frederick Arthur Lord Sandys

George Augustus Frederick Charles Lord Sheffield. (*Earl of Sheffield.*)

Thomas Americus Lord Erskine.

George John Lord Mont Eagle. (*Marquess of Sligo.*)

George Arthur Hastings Lord Granard. (*Earl of Granard.*)

Hungerford Lord Crewe.

Alan Legge Lord Gardner.

John Thomas Lord Manners.

John Alexander Lord Hopetoun. (*Earl of Hopetoun.*)

Charles Lord Meldrum. (*Marquess of Huntly.*)

George Frederick Lord Ross. (*Earl of Glasgow.*)

William Willoughby Lord Grinstead. (*Earl of Enniskillen.*)

William Hale John Charles Lord Foxford. (*Earl of Limerick.*)

Francis George Lord Churchill.

George Robert Canning Lord Harris.

Reginald Charles Edward Lord Colchester.

Schomberg Henry Lord Ker. (*Marquess of Lothian.*)

Francis Nathaniel Lord Minster. (*Marquess Conyngham.*)

James Edward William Theobald Lord Ormonde. (*Marquess of Ormonde.*)

Francis Lord Wemyss. (*Earl of Wemyss.*)

Robert Lord Clanbrassill. (*Earl of Roden.*)

William Lygon Lord Silchester. (*Earl of Longford.*)

Clotworthy John Eyre Lord Oriel. (*Viscount Massereene.*)

Henry Thomas Lord Ravensworth.

Hugh Lord Delamere.

John George Weld Lord Forester.

John James Lord Rayleigh.

Edric Frederic Lord Gifford.

Ulick John Lord Somerhill. (*Marquess of Clanricarde.*)

Alexander William Crawford Lord Wigan. (*Earl of Crawford and Balcarres.*)

Thomas Granville Henry Stuart Lord Ranfurly. (*Earl of Ranfurly.*)

George Lord De Tabley.

Edward Montagu Stuart Granville Lord Wharncliffe.

Charles Stuart Aubrey Lord Tenterden.

William Conyngham Lord Plunket.

William Henry Ashe Lord Heytesbury.

Archibald Philip Lord Rosebery. (*Earl of Rosebery.*)

Richard Lord Clanwilliam. (*Earl of Clanwilliam.*)

Edward Lord Skelmersdale.

William Draper Mortimer Lord Wynford.

William Henry Lord Kilmarnock. (*Earl of Erroll.*)

Arthur James Lord Fingall. (*Earl of Fingall.*)

William Philip Lord Sefton. (*Earl of Sefton.*)

William Sydney Lord Clements. (*Earl of Leitrim.*)

George William Fox Lord Rossie. (*Lord Kinnaird.*)

Thomas Lord Kenlis. (*Marquess of Headfort.*)

William Lord Chaworth. (*Earl of Meath.*)

Charles Adolphus Lord Dunmore. (*Earl of Dunmore.*)

John Hobart Lord Howden.

Fox Lord Panmure. (*Earl of Dalhousie.*)

Augustus Frederick George Warwick Lord Poltimore.

Edward Mostyn Lord Mostyn.

Henry Spencer Lord Templemore.

Valentine Frederick Lord Cloncurry.

John St. Vincent Lord De Saumarez.

Lucius Bentinck Lord Hunsdon. (*Viscount Falkland.*)

Thomas Lord Denman.

William Frederick Lord Abinger.

Philip Lord De L'Isle and Dudley.

Alexander Hugh Lord Ashburton.

Edward Richard Lord Hatherton.

Archibald Brabazon Sparrow Lord Worlingham. (*Earl of Gosford.*)

William Frederick Lord Stratheden.

Geoffrey Dominick Augustus Frederick Lord Oranmore and Browne. (*Elected for Ireland.*)

Edward Berkeley Lord Portman.

Thomas Alexander Lord Lovat.

William Bateman Lord Bateman.

James Molyneux Lord Charlemont. (*Earl of Charlemont.*)

Francis Alexander Lord Kintore. (*Earl of Kintore.*)

George Ponsonby Lord Lismore. (*Viscount Lismore.*)

Henry Cairns Lord Rossmore.

Robert Shapland Lord Carew.

Charles Frederick Ashley Cooper Lord De Mauley.

Arthur Lord Wrottesley.

Sudeley Charles George Tracy Lord Sudeley.

Frederick Henry Paul Lord Methuen.

Henry Edward John Lord Stanley of Alderley.

Henry Lord Stuart de Decies.

William Henry Lord Leigh.

Beilby Richard Lord Wenlock.

Charles Lord Lurgan.

Thomas Spring Lord Monteagle of Brandon.

James Lord Seaton.

Edward Arthur Wellington Lord Keane.

John Lord Oxenfoord. (*Earl of Stair.*)

Charles Crespigny Lord Vivian.

John Lord Congleton.

Denis St. George Lord Dunsandle and Clanconal. (*Elected for Ireland.*)

Victor Alexander Lord Elgin. (*Earl of Elgin and Kincardine.*)

William Henry Forester Lord Londesborough.

Samuel Jones Lord Overstone.

Charles Robert Claude Lord Truro.

——— Lord De Freyne.

Edward Burtenshaw Lord Saint Leonards.

Richard Henry Fitz-Roy Lord Raglan.

Gilbert Henry Lord Aveland.

Valentine Augustus Lord Kenmare. (*Earl of Kenmare.*)

Richard Bickerton Pemell Lord Lyons.

Edward Lord Belper.

James Lord Talbot de Malahide.

Robert Lord Ebury.

James Lord Skene. (*Earl Fife.*)

William George Lord Chesham.

Frederic Lord Chelmsford.

John Lord Churston.

John Charles Lord Strathspey. (*Earl of Seafield.*)

Henry Lord Leconfield.

William Tatton Lord Egerton.

Charles Morgan Robinson Lord Tredegar.

Robert Vernon Lord Lyveden.

William Lord Brougham and Vaux.

Richard Lord Westbury.

Francis William Fitzhardinge Lord Fitzhardinge.

Henry Lord Annaly.

Richard Monckton Lord Houghton.

Reginald Windsor Lord Buckhurst.

John Lord Romilly.

Thomas George Lord Northbrook.

James Lord Barrogill. (*Earl of Caithness.*)

Thomas Lord Clermont.

William Meredyth Lord Meredyth. (*Lord Athlumney.*)

Windham Thomas Lord Kenry. (*Earl of Dunraven and Mount-Earl.*)

Charles Stanley Lord Monck. (*Viscount Monck.*)

John Major Lord Hartismere. (*Lord Henniker.*)

Edward Robert Lord Lytton.

William George Hylton Lord Hylton.

Hugh Henry Lord Strathnairn.

Edward Gordon Lord Penrhyn.

Gustavus Russell Lord Brancepeth. (*Viscount Boyne.*)

Duncan Lord Colonsay.

Hugh Mac Calmont Lord Cairns.

John Lord Kesteven.

John Lord Ormathwaite.

Brook William Lord Fitzwalter.

William Lord O'Neill.

Robert Cornelis Lord Napier.

Edward Anthony John Lord Gormanston. (*Viscount Gormanston.*)

William Page Lord Hatherley.

John Laird Mair Lord Lawrence.

James Plaisted Lord Penzance.

John Lord Dunning. (*Lord Rollo.*)

James Lord Balinhard. (*Earl of Southesk.*)

William Lord Hare. (*Earl of Listowel.*)

Edward George Lord Howard of Glossop.

John Lord Castletown.

John Emerich Edward Lord Acton.

Thomas James Lord Robartes.

George Carr Lord Wolverton.

Fulke Southwell Lord Greville.

Charles William Lord Kildare.

Thomas Lord O'Hagan.

John Lord Lisgar.

William Rose Lord Sandhurst.

John Arthur Douglas Lord Bloomfield

Frederic Lord Blachford.

Francis Lord Ettrick. (*Lord Napier.*)

John Lord Hanmer.

Roundell Lord Selborne. (*In another Place as Lord Chancellor.*)

LIST OF THE COMMONS.

LIST OF MEMBERS.

Returned from the respective Counties, Cities, Towns, and Boroughs, to serve in the Twentieth Parliament of the United Kingdom of Great Britain and Ireland: Amended to the Opening of the Fifth Session on the 6th Day of February, 1873.

BEDFORD COUNTY.

Francis Bassett,
Richard Thomas Gilpin.

BEDFORD.

James Howard,
Samuel Whitbread.

BERKS COUNTY.

Robert Loyd-Lindsay,
Richard Benyon,
John Walter.

READING.

Sir Francis Henry Goldsmid, bt.,
George John Shaw Lefevre.

WINDSOR (NEW).

Roger Eykyn.

WALLINGFORD.

Edward Wells.

ABINGDON.

Hon. Charles Hugh Lindsay.

BUCKINGHAM COUNTY.

Caledon George Du Pre,
Rt. hon. Benjamin Disraeli,
Nathaniel Grace Lambert.

AYLESBURY.

Nathaniel Mayer de Rothschild,
Samuel George Smith.

WYCOMBE (CHEPPING).

Hon. William Henry Peregrine Carington.

BUCKINGHAM.

Sir Harry Verney, bt.

MARLOW (GREAT).

Thomas Owen Wethered.

CAMBRIDGE COUNTY.

Hon. Lord George John Manners,
Hon. Charles Philip (Yorke) Viscount Royston,
Rt. hon. Henry Bouverie William Brand.

CAMBRIDGE (UNIVERSITY)

Rt. hon. Spencer Horatio Walpole,
Alexander James Beresford Beresford Hope.

CAMBRIDGE.

Robert Richard Torrens,
William Fowler.

EAST CHESHIRE.

William John Legh,
William Cunliffe Brooks.

MID CHESHIRE.

Hon. Wilbraham Egerton,
George Cornwall Legh.

WEST CHESHIRE.

Sir Philip de Malpas Grey Egerton, bt.,
William Frederick Tollemache.

MACCLESFIELD.

William Coare Brocklehurst,
David Chadwick.

STOCKPORT.

William Tipping,
John Benjamin Smith.

BIRKENHEAD.

John Laird.

CHESTER.

Henry Cecil Raikes,
Hon. Norman Grosvenor.

CORNWALL COUNTY.

(Eastern Division.)

Sir John Salusbury Trelawny, bt.,
Edward William Brydges Willyams.

(Western Division.)

John Saint Aubyn,
Arthur Pendarves Vivian.

TRURO.

Sir Frederick Martin Williams, bt.,
James Macnaghten Hogg.

PENRYN AND FALMOUTH.

Robert Nicholas Fowler,
Edward Backhouse Eastwick.

BODMIN.

Hon. Edward Frederic Leveson-Gower.

LAUNCESTON.

Henry Charles Lopes.

LISKEARD.

Rt. hon. Edward Horsman.

HELSTON.

Adolphus William Young.

ST. IVES.

Charles Magniac.

CUMBERLAND COUNTY.

(Eastern Division.)

William Nicholson Hodgson,
Hon. Charles Wentworth George Howard.

(Western Division.)

Rt. Hon. Lord Muncaster.
Hon. Percy Scawen Wyndham.

CARLISLE.

Sir Wilfrid Lawson, bt.,
Edmund Potter.

COCKERMOUTH.

Isaac Fletcher.

WHITEHAVEN.

George Augustus Frederick Cavendish Bentinck.

DERBY COUNTY.

(North Derbyshire.)

Lord George Henry Cavendish,
Augustus Peter Arkwright.

(South Derbyshire.)

Rowland Smith,
Henry Wilmot.

(East Derbyshire.)

Hon. Francis Egerton,
Hon. Henry Strutt.

DERBY.

Michael Thomas Bass,
Samuel Plimsoll.

DEVON COUNTY.

(North Devonshire.)

Rt. hon. Sir Stafford Henry Northcote, bt.,
Thomas Dyke Acland.

(East Devonshire.)

Sir Lawrence Palk, bt.,
John Henry Kennaway.

(South Devonshire.)

Sir Massey Lopes, bt.,
Samuel Trehawke Kekewich.

TIVERTON.

John Heathcoat-Amory.
Rt. hon. William Nathaniel Massey.

PLYMOUTH.

Walter Morrison,
Edward Bates.

BARNSTAPLE.

Thomas Cave,
Charles Henry Williams.

DEVONPORT.

John Delaware Lewis,
Montague Chambers.

TAVISTOCK.

Arthur John Edward Russell.

EXETER.

Sir John Duke Coleridge, knt.,
Edgar Alfred Bowring.

DORSET COUNTY.

Hon. William Henry Berkeley Portman,
Henry Gerard Sturt,
John Floyer.

WEYMOUTH AND MELCOMBE REGIS.

Charles Joseph Theophilus Hambro,
Henry Edwards.

DORCHESTER.

Charles Napier Sturt.

BRIDPORT.

Thomas Alexander Mitchell.

SHAFTESBURY.

Hon. George Grenfell Glyn.

WAREHAM.

John Samuel Wanley Sawbridge Erle Drax.

POOLE.

Arthur Edward Guest.

DURHAM COUNTY.

(Northern Division.)

George Elliot,
Sir Hedworth Williamson, bt.

(Southern Division.)

Joseph Whitwell Pease,
Frederick Edward Blackett Beaumont.

DURHAM (CITY).

John Henderson,
John Lloyd Wharton.

SUNDERLAND.

John Candlish,
Edward Temperley Gourley.

GATESHEAD.

Rt. hon. Sir William Hutt.

SHIELDS (SOUTH).

James Cochran Stevenson.

DARLINGTON.

Edmund Backhouse.

HARTLEPOOL.

Ralph Ward Jackson.

STOCKTON.

Joseph Dodds.

ESSEX COUNTY.

(West Essex.)

Sir Henry John Selwin-Ibbetson, bt.,
Lord Eustace Henry Brownlow Gascoyne-Cecil.

ESSEX COUNTY—*cont.*

(East Essex.)

James Round,
Samuel Brise Ruggles-Brise.

(South Essex.)

Richard Baker Wingfield Baker,
Andrew Johnston.

COLCHESTER.

William Brewer,
Alexander Learmonth.

MALDON.

Edward Hammond Bentall.

HARWICH.

Henry Jervis White-Jervis.

GLOUCESTER COUNTY.

(Eastern Division.)

John Reginald Yorke,
Sir Michael Edward Hicks-Beach, bt.

(Western Division.)

Robert Nigel Fitzhardinge Kingscote,
Samuel Stephens Marling.

STROUD.

Sebastian Stewart Dickinson,
Henry Selfe Page Winterbotham.

TEWKESBURY.

William Edwin Price.

CIRENCESTER.

Allen Alexander Bathurst.

CHELTENHAM.

Henry Bernhard Samuelson.

GLOUCESTER.

William Philip Price,
Charles James Monk.

HEREFORD COUNTY.

Sir Joseph Russell Bailey, bt.,
Michael Biddulph,
Sir Herbert George Denman Croft, bt.

HEREFORD.

George Arbuthnot,
Chandos Wren-Hoskyns.

LEOMINSTER.

Richard Arkwright.

HERTFORD COUNTY.

Hon. Henry Frederick Cowper,
Henry Robert Brand,
Abel Smith.

HERTFORD.

Robert Dimsdale.

HUNTINGDON COUNTY.

Edward Fellowes,
Rt. hon. Lord Robert Montagu.

HUNTINGDON.

Thomas Baring.

KENT COUNTY.

(Eastern Division.)

Edward Leigh Pemberton,
Hon. George Watson Milles.

(West Kent.)

Charles Henry Mills,
John Gilbert Talbot.

(Mid Kent.)

William Hart Dyke,
Hon. William Archer (Amherst) Viscount Holmesdale.

ROCHESTER.

Philip Wykeham-Martin,
Julian Goldsmid.

MAIDSTONE.

James Whatman,
Sir John Lubbock, bt.

GREENWICH.

Sir David Salomons, bt.,
Rt. hon. William Ewart Gladstone.

CHATHAM.

Arthur John Otway.

GRAVESEND.

Sir Charles Wingfield.

CANTERBURY.

Henry Alexander Butler-Johnstone,
Theodore Henry Brinckman.

LANCASTER COUNTY.

(North Lancashire.)

Hon. Frederick Arthur Stanley,
Rt. hon. John Wilson-Patten.

(North-east Lancashire.)

James Maden Holt,
John Pierce Chamberlain Starkie.

LANCASTER COUNTY—*cont.*

(South-east Lancashire.)

Hon. Algernon Fulke Egerton,
John Snowdon Henry.

(South-west Lancashire.)

Charles Turner,
Richard Assheton Cross.

LIVERPOOL.

Hon. Dudley Francis (Ryder) Viscount Sandon,
William Rathbone.

MANCHESTER.

Hugh Birley,
Sir Thomas Bazley, bt.,
Jacob Bright.

PRESTON.

Edward Hermon,
John Holker.

WIGAN.

Henry Woods,
John Lancaster.

BOLTON.

John Hick,
William Gray.

BLACKBURN.

Henry Master Feilden,
Edward Kenworthy Hornby.

OLDHAM.

John Tomlinson Hibbert,
John Morgan Cobbett.

SALFORD.

Charles Edward Cawley,
William Thomas Charley.

ASHTON-UNDER-LYNE.

Thomas Walton Mellor.

BURY.

Robert Needham Philips.

CLITHEROE.

Ralph Assheton.

ROCHDALE.

Thomas Bayley Potter.

WARRINGTON.

Peter Rylands.

BURNLEY

Richard Shaw.

STALEYBRIDGE.

Nathaniel Buckley.

LEICESTER COUNTY.

(Northern Division.)

Rt. hon. Lord John James Robert Manners,
Samuel William Clowes.

(Southern Division.)

Albert Pell,
William Unwin Heygate.

LEICESTER.

Peter Alfred Taylor,
John Dove Harris.

LINCOLN COUNTY.

(North Lincolnshire.)

Sir Montague John Cholmeley, bt.,
Rowland Winn.

(Mid Lincolnshire.)

Weston Cracroft-Amcotts,
Henry Chaplin.

(South Lincolnshire.)

William Earle Welby,
Edmund Turnor.

GRANTHAM.

Hon. Frederick James Tollemache,
Hugh Arthur Henry Cholmeley.

BOSTON.

John Wingfield Malcolm,
Thomas Collins.

STAMFORD.

Sir John Charles Dalrymple Hay, bt.

GRIMSBY (GREAT).

George Tomline.

LINCOLN.

Charles Seely,
John Hinde Palmer.

MIDDLESEX COUNTY.

Hon. George Henry Charles (Byng) Viscount Enfield,
Lord George Francis Hamilton.

WESTMINSTER.

Hon. Robert Wellesley Grosvenor,
William Henry Smith.

TOWER HAMLETS.

Rt. hon. Acton Smee Ayrton,
Joseph D'Aguilar Samuda.

HACKNEY.

Charles Reed,
John Holms.

FINSBURY.

William Torrens M'Cullagh Torrens,
Andrew Lusk.

MARYLEBONE.

John Harvey Lewis,
Thomas Chambers.

CHELSEA.

Sir Charles Wentworth Dilke, bt.,
Sir Henry Ainslie Hoare, bt.

LONDON (UNIVERSITY).
Rt. hon. Robert Lowe.

LONDON.
Rt. hon. George Joachim Goschen,
Robert Wygram Crawford,
William Lawrence,
Baron Lionel Nathan de Rothschild.

MONMOUTH COUNTY.

Charles Octavius Swinnerton Morgan,
Hon. Lord Henry Richard Charles Somerset.

MONMOUTH.
Sir John William Ramsden, bt.

NORFOLK COUNTY.

(*West Norfolk.*)
Sir William Bagge, bt.,
George William Pierrepoint Bentinck.

(*North Norfolk.*)
Hon. Frederick Walpole,
Sir Edmund Henry Knowles Lacon, bt.

(*South Norfolk.*)
Sir Robert Jacob Buxton, bt
Clare Sewell Read.

KING'S LYNN.
Hon. Robert Bourke,
Rt. hon. Lord Claud John Hamilton.

NORWICH.
Sir William Russell, bt.,
Jeremiah James Colman.

NORTHAMPTON COUNTY.

(*Northern Division.*)
Rt. hon. George Ward Hunt,
Sackville George Stopford-Sackville.

(*Southern Division.*)
Sir Rainald Knightley, bt.,
Fairfax William Cartwright.

PETERBOROUGH.
William Wells,
George Hammond Whalley.

NORTHAMPTON.
Charles Gilpin,
Rt. hon. Anthony Henley (Henley) Lord Henley.

NORTHUMBERLAND COUNTY.

(*Northern Division.*)
Rt. hon. George (Percy) Earl Percy,
Matthew White Ridley.

NORTHUMBERLAND COUNTY—*cont.*

(*Southern Division.*)
Wentworth Blackett Beaumont,
Hon. Henry George Liddell.

MORPETH.
Rt. hon. Sir George Grey, bt.

TYNEMOUTH.
Thomas Eustace Smith.

NEWCASTLE-UPON-TYNE.
Rt. hon. Thomas Emerson Headlam,
Joseph Cowen.

BERWICK-UPON-TWEED.
Rt. hon. William Coutts (Keppel) Viscount Bury,
John Stapleton.

NOTTINGHAM COUNTY.

(*Northern Division.*)
Hon. George Edmund Milnes Monckton,
Frederick Chatfield Smith.

(*Southern Division*).
William Hodgson Barrow,
Thomas Blackborne Thoroton Hildyard.

NEWARK-UPON-TRENT.
Grosvenor Hodgkinson,
Samuel Boteler Bristowe.

RETFORD (EAST).
Hon. George Edward Arundell (Monckton-Arundell) Viscount Galway,
Francis John Savile Foljambe.

NOTTINGHAM.
Charles Seely, jun.,
Hon. Auberon Edward William Molyneux Herbert.

OXFORD COUNTY.

Rt. hon. Joseph Warner Henley,
John Sidney North,
William Cornwallis Cartwright.

OXFORD (UNIVERSITY).
Rt. hon. Gathorne Hardy,
Rt. hon. John Robert Mowbray.

OXFORD (CITY).
Rt. hon. Edward Cardwell,
William George Granville Venables Vernon-Harcourt.

WOODSTOCK.
Henry Barnett.

BANBURY.
Bernhard Samuelson.

RUTLAND COUNTY.

Hon. Gerard James Noel,
George Henry Finch.

SALOP COUNTY.

(*Northern Division.*)
John Ralph Ormsby-Gore,
Hon. George Cecil Orlando (Bridgeman) Viscount Newport.

(*Southern Division.*)
Rt. hon. Sir Percy Egerton Herbert,
Edward Corbett.

SHREWSBURY.
James Figgins,
Douglas Straight.

WENLOCK.
Rt. hon. George Cecil Weld Forester,
Alexander Hargreaves Brown.

LUDLOW.
Hon. George Herbert Windsor Windsor-Clive.

BRIDGNORTH.
William Henry Foster.

SOMERSET COUNTY.

(*East Somerset.*)
Ralph Shuttleworth Allen,
Richard Bright.

(*Mid Somerset.*)
Ralph Neville-Grenville,
Richard Horner Paget.

(*West Somerset.*)
William Henry Powell Gore-Langton,
Hon. Arthur Wellington Alexander Nelson Hood.

BATH.
Sir William Tite, bt.,
Donald Dalrymple.

TAUNTON.
Alexander Charles Barclay,
Henry James.

FROME.
Thomas Hughes.

BRISTOL.
Samuel Morley,
Kirkman Daniel Hodgson.

SOUTHAMPTON COUNTY.

(Northern Division.)

William Wither Bramston Beach,
George Sclater-Booth.

(Southern Division.)

Rt. hon. William Francis Cowper-Temple,
Lord Henry John Montagu-Douglas-Scott.

WINCHESTER.

William Barrow Simonds,
John Bonham-Carter.

PORTSMOUTH.

Sir James Dalrymple-Horn-Elphinstone, bt.,
William Henry Stone.

LYMINGTON.

Hon. Lord George Charles Gordon Lennox.

ANDOVER.

Hon. Dudley Francis Fortescue.

CHRISTCHURCH.

Edmund Haviland Burke.

PETERSFIELD.

William Nicholson.

SOUTHAMPTON.

Rt. hon. Russell Gurney,
Peter Merrik Hoare.

STAFFORD COUNTY.

(North Staffordshire.)

Rt. hon. Sir Charles Bowyer Adderley,
Sir Edward Manningham Buller, bt.

(West Staffordshire.)

Sir Smith Child, bt.,
Francis Monckton.

(East Staffordshire.)

Michael Arthur Bass,
John Robinson M'Clean.

STAFFORD.

Hon. Reginald Arthur James Talbot,
Thomas Salt.

TAMWORTH.

Rt. hon. Sir Robert Peel, bt.,
Robert William Hanbury.

NEWCASTLE-UNDER-LYME.

Sir Edmund Buckley, bt.,
William Shepherd Allen.

WOLVERHAMPTON.

Rt. hon. Charles Pelham Villiers,
Thomas Matthias Weguelin.

STOKE-UPON-TRENT.

George Melly,
William Sargeant Roden.

WALSALL.

Charles Forster.

WEDNESBURY.

Alexander Brogden.

LICHFIELD.

Richard Dyott.

SUFFOLK COUNTY.

(Eastern Division.)

Frederick Snowden Corrance,
Hon. Arthur Philip Henry (Stanhope) Viscount Mahon.

(Western Division.)

Windsor Parker,
Hon. Lord Augustus Henry Charles Hervey.

IPSWICH.

Hugh Edward Adair,
Henry Wyndham West.

BURY ST. EDMUNDS.

Edward Greene,
Joseph Alfred Hardcastle.

EYE.

Hon. George William (Barrington) Viscount Barrington.

SURREY COUNTY.

(East Surrey.)

Hon. Peter John Locke King,
James Watney.

(Mid Surrey.)

Henry William Peek,
Sir Richard Baggallay, knt.

(West Surrey.)

George Cubitt,
Lee Steere.

SOUTHWARK.

John Locke,
Marcus Beresford.

LAMBETH.

Sir James Clarke Lawrence, bt.,
William McArthur.

GUILDFORD.

Guildford James Hillier Onslow.

SUSSEX COUNTY.

(Eastern Division.)

John George Dodson,
George Burrow Gregory.

(Western Division.)

Walter Barttelot Barttelot,
Hon. Charles Henry (Gordon Lennox) Earl of March.

SHOREHAM (NEW).

Rt. hon. Stephen Cave,
Sir Percy Burrell, bt.

BRIGHTHELMSTONE.

James White,
Henry Fawcett.

CHICHESTER.

Hon. Lord Henry George Charles Gordon Lennox.

LEWES.

Hon. Walter John (Pelham) Lord Pelham.

HORSHAM.

Robert Henry Hurst,

MIDHURST.

William Townley Mitford.

WARWICK COUNTY.

(Northern Division.)

Charles Newdigate Newdegate,
William Bromley Davenport.

(Southern Division.)

Henry Christopher Wise,
John Hardy.

BIRMINGHAM.

Rt. hon. John Bright,
George Dixon,
Philip Henry Muntz.

WARWICK.

Arthur Wellesley Peel,
Edward Greaves.

COVENTRY.

Henry William Eaton,
Alexander Staveley Hill.

WESTMORELAND COUNTY.

Hon. Thomas (Taylour) Earl of Bective,
William Lowther.

KENDAL.

John Whitwell.

(WIGHT) ISLE OF.

Alexander Dundas Wishart Ross Baillie Cochrane.

NEWPORT, ISLE OF WIGHT.

Charles Cavendish Clifford.

WILTS COUNTY.

(Northern Division.)

Sir George Samuel Jenkinson, bt.,
Hon. Lord Charles William Brudenell-Bruce.

(Southern Division.)

Hon. Lord Henry Frederick Thynne,
Thomas Fraser Grove.

NEW SARUM (SALISBURY).

John Alfred Lush,
Alfred Seymour.

CRICKLADE.
Sir Daniel Gooch, bt.,
Hon. Frederick William Cadogan.

DEVIZES.
Sir Thomas Bateson, bt.

MARLBOROUGH.
Rt. hon. Lord Ernest Augustus Charles Brudenell-Bruce.

CHIPPENHAM.
Gabriel Goldney.

CALNE.
Lord Edmond Fitzmaurice.

MALMESBURY.
Walter Powell.

WESTBURY.
Charles Paul Phipps.

WILTON.
Sir Edmund Antrobus, bt.

WORCESTER COUNTY.
(*Eastern Division.*)

Richard Paul Amphlett,
Hon. Charles George Lyttelton.

(*Western Division.*)

Frederick Winn Knight,
William Edward Dowdeswell.

EVESHAM.
James Bourne.

DROITWICH.
Rt. hon. Sir John Somerset Pakington, bt.

BEWDLEY.
Hon. Augustus Henry Archibald Anson.

DUDLEY.
Henry Brinsley Sheridan.

KIDDERMINSTER.
Thomas Lea.

WORCESTER.
William Laslett,
Alexander Clunes Sherriff.

YORK COUNTY.
(*North Riding.*)

Hon. Octavius Duncombe,
Frederick Acclom Milbank.

(*East Riding.*)

Christopher Sykes,
William Henry Harrison Broadley.

(*West Riding, Northern Division.*)

Hon. Lord Frederick Charles Cavendish,
Francis Sharp Powell.

(*West Riding, Eastern Division.*)

Christopher Beckett Denison,
Joshua Fielden.

YORK COUNTY—*cont.*
(*West Riding, Southern Division.*)

Henry Frederick Beaumont.
Walter Thomas William Spencer Stanhope.

LEEDS.
Edward Baines,
Robert Meek Carter,
William Saint-James Wheelhouse.

PONTEFRACT.
Rt. hon. Hugh Culling Eardley Childers,
Samuel Waterhouse.

SCARBOROUGH.
John Dent Dent,
Sir Harcourt Johnstone, bt.

SHEFFIELD.
George Hadfield,
Anthony John Mundella.

BRADFORD.
Rt. hon. William Edward Forster,
Edward Miall.

HALIFAX.
Rt. hon. James Stansfeld,
Edward Akroyd.

KNARESBOROUGH.
Alfred Illingworth.

MALTON.
Hon. Charles William Wentworth-Fitzwilliam.

RICHMOND.
Lawrence Dundas.

RIPON.
Rt. hon. Sir Henry Knight Storks, G.C.B.

HUDDERSFIELD.
Edward Aldam Leatham.

THIRSK.
Sir William Payne Gallwey, bt.

NORTHALLERTON.
John Hutton.

WAKEFIELD.
Somerset Archibald Beaumont.

WHITBY.
William Henry Gladstone.

YORK CITY.
James Lowther,
George Leeman.

MIDDLESBOROUGH.
Henry William Ferdinand Bolckow.

DEWSBURY.
John Simon.

KINGSTON-UPON-HULL.
Charles Morgan Norwood,
James Clay.

BARONS OF THE CINQUE PORTS.

DOVER.
Alexander George Dickson,
George Jessel.

HASTINGS.
Thomas Brassey,
Ughtred James Kay-Shuttleworth.

SANDWICH.
Edward Hugessen Knatchbull-Hugessen,
Henry Arthur Brassey.

HYTHE.
Baron Mayer Amschel de Rothschild.

RYE.
John Stewart Hardy.

WALES.

ANGLESEA COUNTY.
Richard Davies.

BEAUMARIS.
Hon. William Owen Stanley.

BRECKNOCK COUNTY.
Hon. Godfrey Charles Morgan.

BRECKNOCK.
James Price Gwynne Holford.

CARDIGAN COUNTY.
Evan Mathew Richards.

CARDIGAN, &c.
Sir Thomas Davies Lloyd, bt.

CARMARTHEN COUNTY.
Edward John Sartoris,
John Jones.

CARMARTHEN, &c.
John Stepney Cowell-Stepney.

CARNARVON COUNTY.
Thomas Love Duncombe Jones-Parry.

CARNARVON, &c.
William Bulkeley Hughes.

DENBIGH COUNTY.
Sir Watkin Williams Wynn, bt.,
George Osborne Morgan.

DENBIGH, &c.
Watkin Williams.

FLINT COUNTY.
Hon. Lord Richard de Aquila Grosvenor.

FLINT, &c.
Sir Robert Albert Cunliffe, bt.

GLAMORGAN COUNTY.

Christopher Rice Mansel Talbot,

Henry Hussey Vivian.

MERTHYR TYDVIL.

Henry Richard,

Richard Fothergill.

CARDIFF, &c.

James Frederick Dudley Crichton-Stuart.

SWANSEA, &c

Lewis Llewelyn Dillwyn.

MERIONETH COUNTY.

Samuel Holland.

MONTGOMERY COUNTY.

Charles Watkin Williams Wynn.

MONTGOMERY.

Hon. Charles Douglas Richard Hanbury-Tracy.

PEMBROKE COUNTY.

John Henry Scourfield.

PEMBROKE.

Thomas Meyrick.

HAVERFORDWEST.

Hon. William Edwardes.

RADNOR COUNTY.

Hon. Arthur Walsh.

NEW RADNOR.

Rt. hon. Spencer Compton (Cavendish) Marquess of Hartington.

SCOTLAND.

ABERDEEN.

(East Aberdeenshire.)

William Dingwall Fordyce.

(West Aberdeenshire.)

William McCombie.

ABERDEEN.

Hon. John Farley Leith.

ARGYLE.

John Douglas Sutherland (Campbell) Marquess of Lorne.

AYR.

(North Ayrshire.)

William Finnie.

(South Ayrshire.)

Sir David Wedderburn, bt.

KILMARNOCK, RENFREW, &c.

Rt. hon. Edward Pleydell Bouverie.

BURGHS OF AYR, &c.

Edward Henry John Craufurd.

BANFF.

Robert William Duff.

BERWICK.

David Robertson.

BUTE.

Charles Dalrymple.

CAITHNESSSHIRE.

Sir John George Tollemache, Sinclair, bt.

WICK, KIRKWALL, &c.

John Pender.

CLACKMANNAN AND KINROSS.

William Patrick Adam.

DUMBARTON.

Archibald Orr Ewing.

DUMFRIESSHIRE.

George Gustavus Walker

DUMFRIES, &c.

Robert Jardine.

EDINBURGHSHIRE.

Sir Alexander Charles Ramsay Gibson-Maitland, bt.

EDINBURGH.

Duncan McLaren,

John Miller.

UNIVERSITIES OF EDINBURGH AND ST. ANDREWS.

Lyon Playfair.

BURGHS OF LEITH, &c.

Robert Andrew Macfie.

ELGIN AND NAIRN.

Hon. James Grant.

BURGHS OF ELGIN, &c.

Mountstuart Elphinstone Grant Duff.

FIFE.

Sir Robert Anstruther, bt.

BURGHS OF ST. ANDREWS.

Edward Ellice.

KIRKCALDY, DYSART, &c.

Roger Sinclair Aytoun.

FORFAR.

James William Barclay.

TOWN OF DUNDEE.

George Armitstead,

Sir John Ogilvy, bt.

MONTROSE, &c.

William Edward Baxter.

HADDINGTON.

Hon. Francis Wemyss (Charteris) Lord Elcho.

HADDINGTON BURGHS.

Sir Henry Robert Ferguson Davie, bt.

INVERNESS.

Donald Cameron.

INVERNESS, &c.

Eneas William Mackintosh.

KINCARDINESHIRE.

Sir George Balfour.

KIRKCUDBRIGHT.

Wellwood Herries Maxwell.

LANARK.

(North Lanarkshire.)

Sir Thomas Edward Colebrooke, bt.

(South Lanarkshire.)

John Glencairn Carter Hamilton.

GLASGOW.

Robert Dalglish,

William Graham,

George Anderson.

UNIVERSITIES OF GLASGOW AND ABERDEEN.

Edward Strathearn Gordon

LINLITHGOW.

Peter McLagan.

ORKNEY AND SHETLAND.

Samuel Laing.

PEEBLES AND SELKIRK.

Sir Graham Graham Montgomery, bt.

PERTH.

Charles Stuart Parker.

TOWN OF PERTH.

Hon. Arthur FitzGerald Kinnaird.

RENFREWSHIRE.

Rt. hon. Henry Austin Bruce.

PAISLEY.

Humphrey Ewing Crum-Ewing.

GREENOCK.

James Johnstone Grieve.

ROSS AND CROMARTY.

Alexander Matheson.

ROXBURGH.

Most noble James Henry Robert (Innes-Ker) Marquess of Bowmont.

HAWICK, SELKIRK, &c.

George Otto Trevelyan.

STIRLING.

John Elphinstone Erskine.

STIRLING, &c.

Henry Campbell.

LINLITHGOW, LANARK, &c.

James Merry.

SUTHERLAND.

Rt. hon. Lord Ronald Sutherland Leveson-Gower.

WIGTON.

WIGTON, &c.

George Young.

IRELAND.

ANTRIM COUNTY.

Hon. Edward O'Neill,

Hugh de Grey Seymour.

BELFAST.

William Johnston,

Thomas McClure.

LISBURN.

Edward Wingfield Verner.

CARRICKFERGUS.

Marriott Robert Dalway.

ARMAGH COUNTY.

Sir James Matthew Stronge, bt.,

ARMAGH (CITY).
John Vance.

CARLOW COUNTY.
Henry Bruen,
Arthur MacMurrough Kavanagh.

CARLOW (BOROUGH).
William Addis Fagan.

CAVAN COUNTY.
Hon. Hugh Annesley,
Edward Saunderson.

CLARE COUNTY.
Crofton Moore Vandeleur,
Rt. hon. Sir Colman Michael O'Loghlen, bt.

ENNIS.
William Stacpoole.

CORK COUNTY.
McCarthy Downing,
Arthur Hugh Smith Barry.

BANDON BRIDGE.
William Shaw.

YOUGHAL.
Montague John Guest

KINSALE.
Sir George Conway Colthurst, bt.

MALLOW.
William Felix Munster.

CORK (CITY).
Nicholas Daniel Murphy.
Joseph Philip Ronayne

DONEGAL COUNTY.
Thomas Conolly,
Hon. James (Hamilton) Marquess of Hamilton.

DOWN COUNTY.
Hon. Lord Arthur Edwin Hill-Trevor,
William Brownlow Forde.

NEWRY.
Hon. Francis Charles (Needham) Viscount Newry.

DOWNPATRICK.
William Keown.

DUBLIN COUNTY.
Rt. hon. Thomas Edward Taylor,
Ion Trant Hamilton.

DUBLIN (CITY).
Jonathan Pim,
Sir Dominic John Corrigan, bt.

DUBLIN UNIVERSITY.
Rt. hon. John Thomas Ball,
Hon. David Robert Plunket.

FERMANAGH.
Mervyn Edward Archdall,
Hon. Henry Arthur Cole.

ENNISKILLEN.
Hon. John Henry (Crichton) Viscount Crichton.

GALWAY COUNTY.
Mitchell Henry,
Hon. William Le Poer Trench.

GALWAY (BOROUGH).
Hon. William Ulick Tristram (St. Lawrence) Viscount St. Lawrence,
Sir Rowland Blennerhassett, bt.

KERRY.
Henry Arthur Herbert,
Rowland Ponsonby Blennerhassett.

TRALEE.
Daniel O'Donoghue, (The O'Donoghue).

KILDARE.
Rt. hon. William Henry Ford Cogan,
Rt. hon. Lord Otho Augustus Fitz-Gerald.

KILKENNY.
George Leopold Bryan,
Hon. Leopold G. F. Agar-Ellis.

KILKENNY (CITY).
Sir John Gray, knt.

KING'S COUNTY.
Sir Patrick O'Brien, bt.,
David Sherlock.

LEITRIM COUNTY.
William Richard Ormsby-Gore,
John Brady.

LIMERICK COUNTY.
Rt. hon. William Monsell,
Edmund John Synan.

LIMERICK (CITY).
George Gavin,
Isaac Butt.

LONDONDERRY COUNTY.
Robert Peel Dawson,
Sir Frederick William Heygate, bt.

COLERAINE.
Sir Henry Hervey Bruce, bt.

LONDONDERRY (CITY).
Charles Edward Lewis.

LONGFORD COUNTY.
Myles William O'Reilly,
Hon. George Frederick Nugent Greville-Nugent.

LOUTH COUNTY.
Rt. hon. Chichester Samuel Parkinson Fortescue,
Matthew O'Reilly-Dease.

DUNDALK.
Philip Callan.

DROGHEDA.
Thomas Whitworth.

MAYO COUNTY.
Hon. George (Bingham) Lord Bingham,
George Ekins Browne.

MEATH COUNTY.
Edward MacEvoy,
John Martin.

MONAGHAN COUNTY.
Sewallis Evelyn Shirley,
John Leslie.

QUEEN'S COUNTY.
Kenelm Thomas Digby,
Edmund Dease.

PORTARLINGTON.
Hon. Lionel Seymour William Dawson-Damer.

ROSCOMMON COUNTY.
Rt. hon. Fitzstephen French,
Charles Owen O'Conor (The O'Conor Don).

SLIGO COUNTY.
Denis Maurice O'Conor,
Sir Robert Gore Booth, bt.

TIPPERARY COUNTY.
Hon. Charles White,
Denis Caulfield Heron.

CLONMEL.
John Bagwell.

TYRONE COUNTY.
Rt. hon. Henry Thomas Lowry-Corry,
Rt. hon. Lord Claud Hamilton.

DUNGANNON.
Hon. William Stuart Knox.

WATERFORD COUNTY.
Sir John Esmonde, bt.
Edmond de la Poer.

DUNGARVAN.
Henry Matthews.

WATERFORD (CITY).
James Delahunty,
Ralph Osborne.

WESTMEATH COUNTY.
Hon. Algernon William Fulke Greville,
Patrick James Smyth.

ATHLONE.
John James Ennis.

WEXFORD COUNTY.
Matthew Peter D'Arcy,
John Talbot Power.

WEXFORD (BOROUGH).
William Archer Redmond.

NEW ROSS.
Patrick McMahon.

WICKLOW COUNTY.
William Wentworth Fitzwilliam Dick,
Hon. Henry William Wentworth Fitzwilliam.

HANSARD'S
PARLIAMENTARY DEBATES,

IN THE

Fifth Session of the *Twentieth Parliament* of the
United Kingdom of *Great Britain* and *Ireland*,
Appointed to meet 10 December, 1868, and thence
continued till 6 February, 1873, in the Thirty-
Sixth Year of the Reign of

HER MAJESTY QUEEN VICTORIA.

FIRST VOLUME OF THE SESSION.

HOUSE OF LORDS,

Thursday, 6th February, 1873.

THE PARLIAMENT, which had been Prorogued successively from the 10th day of August, 1872, to the 25th day of October, thence to the 19th day of December, thence to the 6th day of February, 1873, met this day for Despatch of Business.

The Session of Parliament was opened by Commission.

The House of Peers being met—

The LORD CHANCELLOR acquainted the House,

"That it not being convenient for Her Majesty to be personally present here this day, She has been pleased to cause a Commission under the Great Seal to be prepared, in order to the holding of this Parliament."

Then Five of the Lords Commissioners, namely — The Lord Chancellor, The Lord President of the Council (The Marquess of Ripon), The Lord Privy Seal (The Viscount Halifax), The Earl of Kimberley (one of Her Majesty's Principal Secretaries of State), and The Earl of Cork and Orrery (Master of the Buckhounds), being in their Robes, and seated on a Form placed between the Throne and the Woolsack, commanded the Yeoman Usher of the Black Rod to let the Commons know "The Lords Commissioners desire their immediate attendance in this House, to hear the Commission read."

Who being come, with their Speaker;—The Commission was read by the Clerk:—Then

THE QUEEN'S SPEECH.

The LORD CHANCELLOR *delivered* Her Majesty's Speech to both Houses of Parliament, as follows:—

"*My Lords, and Gentlemen,*

"I GREET you cordially on your reassembling for the discharge of your momentous duties.

"I have the satisfaction of maintaining relations of friendship with Foreign Powers throughout the world.

"You were informed when I last addressed you that steps had been taken to prepare the way for dealing more effectually with the Slave Trade on the East Coast of Africa. I have now despatched an Envoy to Zanzibar, furnished with such instructions as appear to me best adapted for the attainment of the object in view. He has recently reached the place of his destination, and has entered into communication with the Sultan.

"My ally the German Emperor, who had undertaken to pronounce judgment as Arbiter on the line of Water-boundary so long in dispute under the terms of the Treaty of 1846, has decided, in conformity with the contention of the Government of the United States, that the Haro Channel presents the line most in accordance with the true interpretation of that Treaty.

"I have thought it the course most befitting the spirit of international friendship and the dignity of the country to give immediate execution to the award by withdrawing promptly from my partial occupation of the Island of San Juan.

"The proceedings before the Tribunal of Arbitration at Geneva, which I was enabled to prosecute in consequence of the exclusion of the Indirect Claims preferred on behalf of the Government of the United States, terminated in an award which in part established and in part repelled the claims allowed to be relevant. You will in due course be asked to provide for the payment of the sum coming due to the United States under this award.

"My acknowledgments are due to the German Emperor, and likewise to the Tribunal at Geneva, for the pains and care bestowed by them on the peaceful adjustment of controversies such as could not but impede the full prevalence of national goodwill in a case where it was especially to be cherished.

"In further prosecution of a well understood and established policy, I have concluded a Treaty for the Extradition of Criminals with my ally the King of the Belgians.

"The Government of France has, during the recess, renewed its communications with my Government for the purpose of concluding a Commercial Treaty to replace that of 1860, which is about to expire. In prosecuting these communications I have kept in view the double object of an equitable regard to existing circumstances, and of securing a general provision more permanent in its character, and resting on a reciprocal and equal basis, for the commercial and maritime transactions of the two countries. I hope to be enabled within a short period to announce to you the final result.

"It has been for some years felt by the Governments of Russia and the United Kingdom respectively, that it would be conducive to the tranquillity of Central Asia if the two Governments should arrive at an identity of view regarding the line which describes the northern frontier of the dominions of Afghanistan. Accordingly a correspondence has passed, of which this is the main subject. Its tenour, no less than its object, will, I trust, be approved by the public opinion of both nations.

" Papers will be laid before you with relation to the awards delivered under the Treaty of Washington, to the commercial negotiations with France, and to the northern frontier of the dominions of Afghanistan.

"*Gentlemen of the House of Commons,*

" The estimates of the coming financial year will be presented to you. They have been framed with a view to the efficiency and moderation of our establishments, under circumstances of inconvenience entailed by variations of an exceptional nature in the prices of some important commodities.

" *My Lords, and Gentlemen,*

" Although the harvest has been to some extent deficient, the condition of the three Kingdoms with reference to Trade and Commerce, to the sufficiency of the Revenue for meeting the public charge, to the decrease of pauperism, and to the relative amount of ordinary crime, may be pronounced generally satisfactory.

" A measure will be submitted to you on an early day for settling the question of University Education in Ireland. It will have for its object the advancement of learning in that portion of my dominions, and will be framed with a careful regard to the rights of conscience.

" You will find ample occupation in dealing with other legislative subjects of importance, which, for the most part, have already been under your notice in various forms and at different periods. Among these your attention will speedily be asked to the formation of a Supreme Court of Judicature, including provision for the trial of Appeals.

" Among the measures which will be brought before you, there will also be proposals for facilitating the Transfer of Land, and for the amendment of our system of Local Taxation, of certain provisions of the Education Act of 1870, and of the General Acts regulating Railways and Canals; together with various other Bills for the improvement of the Law.

" I earnestly commend your deliberations to the guidance and favour of Almighty God."

Then the Commons withdrew.

House adjourned during pleasure.

House resumed.

PRAYERS.

ROLL OF THE LORDS—Garter King of Arms attending, delivered at the Table (in the usual manner) a List of the Lords Temporal in the Fifth Session of the Twentieth Parliament of the United Kingdom: The same was ordered to lie on the Table.

NEW PEERS.

The Earl Granville, one of Her Majesty's Principal Secretaries of State, acquainted the House, That Her Majesty had been pleased to create the Right Honourable Sir Roundell Palmer, Knight, Lord Chancellor of Great Britain, a Peer of this Realm, by the Title of Baron Selborne of Selborne in the county of Southampton; and his Lordship, having retired to robe, was introduced in the usual manner.

Sir John Hanmer, Baronet, having been created Baron Hanmer of Hanmer and of Flint, both in the county of Flint—Was (in the usual manner) introduced.

SELECT VESTRIES.

Bill, *pro formâ*, read 1ª.

THE QUEEN'S SPEECH—ADDRESS IN ANSWER TO HER MAJESTY'S MOST GRACIOUS SPEECH.

The QUEEN'S SPEECH *reported* by The LORD CHANCELLOR.

THE EARL OF CLARENDON: My Lords, in rising to move that a humble Address be presented to Her Majesty in answer to Her most gracious Speech from the Throne, I venture to crave from your Lordships that indulgence which you are always ready to extend to one who, for the first time, plunges into the discussion of the various matters referred to in the Speech from the Throne; and if on this occasion of my first speech I shall perchance commit any error against the rules of the House, I ask your Lordships' forgiveness, and that you will attribute the fault rather to a want of knowledge than to any intention to come into collision with those forms. And first, my Lords, I think it a matter of most sincere congratulation that although the state of Her Majesty's health is not such as to permit Her to undertake the onerous and fatiguing duty of opening Parliament in person, yet that Her Majesty is so far restored as to be able to resume the discharge of those offices which must bring Her into closer contact with Her subjects, and in so doing increase—if that were possible—their loyal affection toward their Sovereign.

My Lords, since your Lordships last met, an illustrious life has passed away. If anything could tend to solace the widowed wife and the orphan son, it is that the Emperor's last days, agonizing as they must have been both in mind and body, were passed in a country which in his early days reciprocated his friendship and afterwards valued his alliance. On the last moments of the Emperor it would not become me to touch—that subject was too sacred—but I think that I but echo the sentiments of your Lordships when I say that in their affliction the fatherless and the widow have the sincere and heartfelt sympathy of your Lordships. Now, my Lords, with regard to the statements contained in the Speech from the Throne, I think I may congratulate your Lordships on the general aspect of foreign affairs. As far as human intelligence can anticipate, there seem to be no reason for supposing that there will not be a continuance of the good relations which at present exist between this and other countries, or why the blessings of peace we now enjoy should not continue. More especially I congratulate your Lordships that the long-standing differences between the United States and England have at last been happily determined. I do not propose to discuss *in extenso* the various claims put forward by the United States against this country; but I do not think it out of place to say that much praise is due, and a deep debt of gratitude owed to our own representatives—and not to our own representatives only, but to those of the United States—and to the Arbitrators for their action towards the settlement of what were termed the Indirect Claims. It is true that we have suffered a pecuniary loss by the result of the award in the Alabama and other Claims; but what we have lost in sterling coin there is every reason to hope we have gained in the security of peace, the furtherance of commercial relations, and the promotion of feelings of good-will between the two nations. As a proof of the existence of such good feelings, I will refer to this passage of the Message of President Grant, dated the 4th of December, 1872—

> "The Tribunal which had convened at Geneva concluded its laborious Session on the 14th of September last, and the decision they arrived at happily disposes of a long-standing difference, and leaves the two countries without a shadow on those friendly relations which it is my hope may for ever remain unclouded."

With regard to the advance of Russia in Central Asia, I hope the policy of the Government will be prompt, decisive, and dignified. Anxious as we must ever be that amicable relations should exist between England and Russia, we cannot but feel that the further advance in Central Asia on the part of Russia must tend to diminish that friendship which for the last 17 years has uninterruptedly marked the relations of the two countries; while, on the contrary, any declaration on the part of the Emperor against a policy of encroachment must tend to strengthen those relations. I feel sure that the policy of the noble

Earl the Foreign Secretary will be what it ought to be in this matter, and the result will be to secure peaceful and beneficial results.

My Lords, in the various questions relating to home policy which will necessarily occupy your Lordships' attention, the question of Irish University Education occupies a prominent position. It is supposed by those who are inimical to Her Majesty's Government that their policy is to settle the *questio vexata* merely in a manner which would conciliate the Irish Roman Catholic Prelates. It is known that in open meeting those Prelates have stated that nothing but absolute control and sway over the students, the books, studies, and examinations in an Irish University will satisfy them. Now, I am not initiated in the plan which the Government intend to bring forward on the subject of this question; but I earnestly hope and trust that a Roman Catholic endowment will form no portion of their scheme. If it should, I cannot think that it would be consistent with the speeches and declarations made by the Government there and elsewhere, or with the course taken by the Government with respect to the Irish Church. But when this question comes to be discussed by your Lordships, I do trust that a subject so important will not be allowed to degenerate into a question of religious or party strife. Although beyond doubt religion is a component and perhaps an essential part of education, yet we ought to bear in mind what, after all, is the object of all education, and especially of University education: it is, namely, the advancement of learning, and the furtherance of science and philosophical research. There is another subject of home policy which I believe will occupy much of your Lordships time and consideration, which has long been demanded by the country, and which has been recommended to the Legislature by the Judicature Commission in the strongest terms—namely, the question of Law Reform. I am not initiated into the measures which the Government intend to propose, but, as I understand the question, what the public want is that there should be a fusion of law and equity—in other words that our Courts of Law should be amalgamated, so that the Courts of Common Law should have an enlarged equitable jurisdiction, and that there should be judicial facilities for any one Court to take cognizance of any question that could come within the jurisdiction of any other Court. Whatever the project of the Government may be, I feel sure that the noble and learned Lord on the Woolsack will apply his mind to the production of a measure such as will satisfy not only the legal profession, but the country at large. My Lords, there are many questions referred to in Her Majesty's most gracious Speech which I think it unnecessary that I should touch upon. I feel confident from the time and deliberation which your Lordships are wont to give to any matter that comes before you, that at the end of the Session the result of your deliberations will be to place upon the Statute Book many measures which will conduce to the general welfare, happiness, and benefit of the country.

My Lords, I am unwilling to draw too vivid and glowing a picture of the condition of England at the present moment; but it is, I believe, an established fact that never within the annals of British history has our revenue been greater or commercial wealth more abundant. To maintain the country in this state ought to be our earnest endeavour.

I have now to thank your Lordships for the patience, and, even more, the forbearance, with which you have listened to the brief remarks I have made. If, with unparalleled temerity, I have "rushed in where angels might fear to tread," I can only say that I thought it my duty—as being, to some extent, the spokesman of the Government—to delineate, in however sketchy and imperfect a manner, one or two of the great questions which it is the intention of the Government to bring forward. Most sincerely do I subscribe to the last paragraph in Her Majesty's Speech, and humbly and sincerely trust that, the Almighty prospering their handiwork, Her Majesty's Government may still put forward strenuous endeavours to maintain England in that proud position in the scale of nations which it concerns her interests and dignity to occupy. The noble Earl concluded by moving the following humble Address to Her Majesty thanking Her Majesty for Her Most Gracious Speech from the Throne:—

MOST GRACIOUS SOVEREIGN,

"WE, Your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal, in Parliament assembled, beg leave to offer our humble thanks to Your Majesty for Your Majesty's most gracious Speech delivered by Your Majesty's command to both Houses of Parliament.

"We rejoice to learn that Your Majesty has the satisfaction of maintaining relations of friendship with Foreign Powers throughout the world.

"We humbly thank Your Majesty for informing us of the steps which Your Majesty has been pleased to take for dealing more effectually with the Slave Trade on the East Coast of Africa.

"We humbly thank Your Majesty for informing us of the decisions which have been given by Your Majesty's ally the German Emperor, and by the Tribunal of Arbitration at Geneva, with regard to the questions referred to them respectively, which were at issue between Your Majesty's Government and the Government of the United States, as well as of the course which Your Majesty has been pleased to take, and the provision which Your Majesty will ask to be made, in consequence thereof. And we humbly desire to concur in Your Majesty's acknowledgments for the pain and care which the German Emperor and likewise the Tribunal at Geneva have bestowed on the peaceful adjustment of controversies such as could not but impede the full prevalence of national good will in a case where it was especially to be cherished.

"We humbly thank Your Majesty for informing us that, in further prosecution of a well understood and established policy, Your Majesty has concluded a Treaty for the Extradition of Criminals with Your Majesty's ally the King of the Belgians; and that in prosecuting the communications, which the Government of France has, during the recess, renewed with Your Majesty's Government for the purpose of concluding a Commercial Treaty to replace that of 1860, Your Majesty has kept in view the double object of an equitable regard to existing circumstances, and of securing a general provision more permanent in its character, and resting on a reciprocal and equal basis, for the commercial and maritime transactions of the two countries.

"We humbly thank Your Majesty for informing us that a correspondence has passed between Your Majesty's Government and the Government of Russia, the main subject of which is the line describing the northern frontier of the dominions of Afghanistan, and the tenour no less than the object of which Your Majesty trusts will be approved by the public opinion of both nations.

"We learn with satisfaction that although the harvest has been to some extent deficient, the condition of the three Kingdoms with reference to Trade and Commerce, to the sufficiency of the Revenue for meeting the public charge, to the decrease of pauperism, and to the relative amount of ordinary crime, may be pronounced generally satisfactory.

"We assure Your Majesty that we will devote our earnest attention to the measure which Your Majesty has informed us will be submitted to us on an early day for settling the question of University Education in Ireland, as well as to that for the formation of a Supreme Court of Judicature, and to the other proposals that are to be brought before us.

"We heartily join with Your Majesty in commending our deliberations to the guidance and favour of Almighty God."

LORD MONTEAGLE: My Lords, in rising to second the Address, which has been moved by the noble Earl with so much ability in reply to the Speech from the Throne, I beg that you will excuse me if I do not rival the ability and scope of his remarks, and advert to a few only of the questions raised in the Speech from the Throne. There are, however, one or two questions to which I beg to allude, although the noble Earl has already touched upon them. The noble Earl alluded to the result of the Arbitrations at Geneva and elsewhere. My Lords, when we consider the conditions of the negotiations between our Government and the Government of the United States at the commencement of last year, I think we must all rejoice, notwithstanding the price we have to pay, that there has been a peaceful solution of our differences, and that all danger of conflict has been removed for the present, and I hope for the future. We are also told in the Speech from the Throne that a Correspondence has passed between our Government and another great Power for the avoidance of differences in respect of the affairs of Central Asia. My Lords, I am a lover of peace; but while I love peace I am far, indeed, from being an advocate for "peace at any price." I believe that we have a mission to discharge in India, and that not a mission of self-aggrandizement; and if ever the time should come when it shall be necessary that we should fight for India I hope we shall fight—there has been evidence given within the last few weeks that we would fight. But, my Lords, I trust we should all rejoice if, in the East as in the West, a peaceful solution to international difficulties should be found. Turning to domestic affairs, your Lordships, I hope, will cordially welcome a measure for facilitating the transfer of land which does not contemplate any violent change in the law. I am sure you will also join in welcoming an amendment of the laws regulating railways and the general traffic of the kingdom. My Lords, I now come to that portion of the Speech more especially interesting to that part of the country with which I am more immediately connected. The subject of University Education in Ireland occupies a prominent place in the Royal Speech. As an Irishman, I may be expected to have a strong opinion on that subject. I have, but I do not think this the best occasion for giving full expression to my convictions, especially as your Lordships are not yet in possession of the scheme by which the Government propose to deal with that subject. There are, however, certain principles which ought to guide the Government in dealing with the question, and on these I may be pardoned for saying a word or two. I maintain, first, that the State has a definite educational mission to fulfil. It is at once the duty and the right of the State to provide for the education of the people. This principle has been so fully acknowledged already all over the three Kingdoms in the case of primary education, that I trust it requires no argument on my part to show that its application extends to the case of University Education. But I maintain, further, that the State should not exercise merely a general supervision and control over the education of the country, but that it should have a definite judgment as to what education it should encourage—that it should teach nothing but what it has deliberately decided to be desirable. These may be truisms, but they are truisms which are sometimes forgotten. Another of these principles which may sound like a truism to many of your Lordships, but which I would rather call a great truth, is that education must be and can be nothing else than essentially religious. It is in the nature of education that it should be religious. You may, no doubt, teach science, literature, and art, without any special reference to religion; but anything which deserves the name of education is surely a means of fitting man for his duties in life. This, my Lords, I maintain, is eminently a religious work. As I have said, I do not venture to say a word as to the means by which the end should be attained, but I would just point out some of the difficulties that beset the question of Irish University Education. You have to decide what due and proportionate weight you will attach to the opinions of different parts of the United Kingdom when they happen to be opposed—what weight is to be attached to the opinion of the people of Ireland as against that of the inhabitants of the other parts of the kingdom. Lastly, how can you secure the advantages of University Education for those who ought to have it without offending the consciences of any? All these difficulties confront Her Majesty's Government; but I trust they may be able to surmount them all. Before quitting this subject, I wish, in passing, to allude to one branch of education which has not been so well encouraged in Ireland as I could wish—I refer to intermediate education. Intermediate education is intimately connected with University Education, inasmuch as without the former, the latter could not be properly carried out. For intermediate education in Ireland the existing endowments are far less extensive than they might be; and such as they are, not always, I regret to say, so well applied as they might be. A memorial on this subject has recently been sent from my part of the country—the county of Limerick—to the Government, and I trust that in dealing with University Education, the Government will not lose sight of intermediate education. The importance of a settlement of the question of education in Ireland can scarcely be overrated, and I think that on its satisfactory adjustment depends greatly the question whether Ireland will be peaceful or disturbed for many years to come. I, for one, am grateful to Her Majesty's Government that it has been able to initiate the policy of legislating for Ireland in accordance with the public opinion of that country; and I shall rejoice, as an Irishman, if it be possible to continue the policy in reference to the question of University Education; for it cannot but be satisfactory to your Lordships to notice the marked improvement in the state of Ireland during the past few years, and I cannot help ascribing this in great measure to the Irish policy of Her Majesty's Government. Crime—and especially drunkenness, which is the root of nearly all crime—has decreased to a remarkable extent; and, though there is still much drunkenness, I hope that if the Adulteration Clauses of the Licensing Act of last Session are put in force—as I hope they soon may be—they will do something to its continual diminution. A great improvement as respects the pauperism of the country has also taken place; and though this year a bad harvest followed by a severe winter and lack of fuel has made a temporary increase in the number of paupers as compared with what it was a short time since, the increase of pauperism is much less than it was in similar circumstances 10 years ago. But the most alarming feature in the social condition of Ireland has never been the ordinary crime, nor even the pauperism of the country—indeed, Ireland compares most favourably with England in both respects. The really alarming feature has been those agrarian crimes, which show such a fatal want of confidence in the law of the country; and if by their measures the Government have done anything to contribute to the confidence of the agricultural population in the law, that, in itself, is a great gain. Now, as agrarian crime in Ireland has decreased within the last two years to quite a remarkable extent, I think that improvement might be attributed to the working of the Irish Land Act in great measure, although it is, doubtless, too soon to judge of it confidently. There have been apprehensions in your Lordships' House and elsewhere as to the working of that Act. It may, perhaps, require to be amended, but I think the number of cases tried under it shows it has the confidence of the tenant farmers, and it will work a great benefit in that way. The details of the cases coming before the Quarter Sessions, and the great number —27 per cent—that have been withdrawn before they came to trial, indicates a better state of feeling between landlord and tenant. I hope, therefore, the Government will persevere with legislation of the same character. My Lords, I am about to conclude somewhat abruptly, I fear; but I feel that I have trespassed too long on your Lordships'. attention, and I have only now to thank you for the kindness and forbearance which you have given me. The noble Lord concluded by seconding the Address. [See *page* 11.]

THE EARL OF DERBY: My Lords, before I proceed to offer any comment on the important communications contained in Her Majesty's most gracious Speech, I hope I may be allowed to express to my noble Friend the noble Earl who moved the Address, and to the noble Lord by whom it was seconded, the feeling of satisfaction with which we, who on either side of the House can unfortunately look back on a good many years passed in political life, have witnessed the display and promise of ability by those whose political life is still in the future. We are always glad to see younger Members of the House taking an early and active part in debate; and I can add with truth in reference to the two speeches just made, that neither those two noble Lords have cause to be dissatisfied with the manner in which their parts have been performed; and that, so far as I can judge, not one word fell from them calculated to provoke unnecessary antagonism or to create a display of party feeling which, on these occasions, we are anxious to avoid. Now, my Lords, with regard to that part of the Royal Speech which refers to the internal affairs of the country, there is not much that calls for special comment. I am not disposed to cavil—though it may be open to criticism —at the paragraph which describes the material condition of the country as generally satisfactory. That paragraph is calmly and temperately worded, and I do not wish to quarrel with it, although if we look not merely to the past or even at the present, but at the future—and I mean the immediate future—its description is more rose-coloured than the circumstances will quite justify. The battle between labour and capital never was fiercer; one, at least, of the necessaries of life is dearer than at any former period, and we must bear in mind that if that state of things as regards the price of coal continues, it will not merely be a question of inconvenience and loss to individuals, but of danger to the present pre-eminence of our manufacturing industry. Imports and exports have increased, no doubt, but the increase is due rather to the enhanced price of the articles produced than to increased consumption or production; and though the Revenue is marvellously elastic, I cannot see with unmixed satisfaction an elasticity which is mainly in the department of Excise, or, in other words, due to an enormous increase in the consumption of strong drinks. Undoubtedly the national finances have gained from that source, and, as a friend of mine described it in private conversation—"We have drunk ourselves out of the American difficulty." But that is a gain purchased at a heavy cost, and which does not say much for the growth of frugal and provident habits among the people. Nor can I join in the congratulations as to the improved state of Ireland. The noble Lord who seconded the Address spoke of the benefits conferred on Ireland by the Land Act, which he said had produced much contentment and prosperity in that country; but at this moment there is among the tenant-farmers an agitation—absurd if you will, but widespread—against that Act, which they treat as inadequate and delusive. The noble Lord congratulated us on the improved state of public feeling in Ireland; but I cannot think that a reasonable congratulation when you remember that you have a gagged Press there, that in any district proclaimed by the Lord Lieutenant the Habeas Corpus Act may be suspended, and that the country in general is under a coercion Act, which in some respects is the most stringent and severe passed within my recollection. I do not mean to say that that Act, which was passed for Ireland, was unwise and unnecessary—I supported its passing, believing in the necessity—but I do say that so long as such a *régime* continues, so long as you think that *régime* ought to continue, you can hardly venture to congratulate yourselves on the improved state of feeling in Ireland. I gather from the Royal Speech that the Ministry are confident of being able to deal with the question of Irish University Education in a way that will satisfy everybody. I hope they are right. I shall be glad if they are right; but I am afraid that is a somewhat sanguine expectation, considering that there is only one sort of education which will satisfy the dominant hierarchy in Ireland, that that hierarchy exercises an enormous influence over the population of the country, and that the kind of education which will meet their views is utterly alien to the ideas and sympathies of the great bulk of the people of this country. I am afraid that, without much more forbearance than religious parties in any country are apt to show when excited, the chances of coming to a satisfactory result in the matter are small. The language used by my noble Friend (the Earl of Clarendon) was only what I should have expected. It shows that he at least is not prepared to make indefinite concessions to the Ultramontane party; but when my noble Friend told us that he did not know the plan of the Government, that certainly diminished the value of his statement, so far as the future is concerned. But whatever that plan may be the difficulty remains. Any scheme that can possibly pass through Parliament will not only fail to secure the approval of the Roman Catholic Prelates, but will secure their hostility, and any scheme, on the other hand, which would find favour in their eyes will not have the slightest chance of ever reaching this House. Turning to domestic legislation, I find that Bills are to be proposed for improving the administration of the law. On the question of Law Reform it is bare justice to say that Her Majesty's Government start with every advantage. They have the advantage of a general though vague feeling throughout the country that Law Reform of some kind is desirable, and even necessary—they have an advantage that no one grudges them in the advice and assistance of a Lord Chancellor who has been fortunate enough, both in Parliament and the profession, to conciliate universal respect, and whose presence among us is welcomed on both sides. They have another advantage in bringing forward these measures at a time when no agitation is in progress, when there is no great political question pressing for settlement, and when any proposal for the improvement of legal administration is likely to attract a full share of attention, and to be fairly and dispassionately considered. But, notwithstanding, they are venturing on a sea subject to many storms, strewn with many wrecks, and the peculiar difficulty is that though the public is anxious that something should be done, the public has only a very indefinite idea of what it wants done, while even in the profession there is nothing like a general agreement. Everybody wants the administration of the law mended, but everybody wants it mended in his own way. Under these circumstances, I hope, rather than confidently anticipate, that some result will follow from the pledges that have been given, and the efforts that will be made. At any rate, on that subject our wish is to help, not to hinder, and if criticized from these benches no criticisms will be offered in a factious or even in an unfriendly spirit. I think I can say so much for my noble and learned Friends behind me. Turning now from internal affairs to matters of foreign policy, which occupy a rather unusual proportion of the Speech from the Throne, I observe that great prominence is given to the mission of Sir Bartle Frere to Zanzibar for the suppression of the slave trade on the East Coast of Africa. I have no fault to find with that mission; and I agree with Her Majesty's Government that if a mission was to be sent it would have been impossible to find a negotiator more able and experienced than Sir Bartle Frere; but in accepting the reference made to that subject I do so under certain restrictions. One of these is that there must be a limit—a reasonable limit—to the expenses for an object which, however excellent, concerns us only as much as it concerns the whole civilized world. The other is that we must not get involved in a system of alliances and protectorates and guarantees on the East African coast which could be of no possible advantage, and which would only add to a good many complications which we do not now foresee. A far wider and graver question is opened by that passage of the Speech which relates to the negotiations carried on with the Russian Government relative to annexations in Central Asia. Upon this matter no course is possible except an absolute suspension of judgment until the Correspondence is before us. All that I venture to say now is that I hope no pretext, however plausible, no inducement or temptation, will lead our Government, under whatever disguise, to entertain the idea of an extension of our territory to the North or West of India. That country has at present as good a military frontier as could well be drawn. I remember—for he more than once said it to me in conversation—that such was the opinion of the late Lord Hardinge—a high military authority, and who, having been Governor General of India, had necessarily studied the subject. Beyond us, in those regions, are only barren and rocky countries, inhabited by some of the most warlike and turbulent races of the earth. Every mile that we go in that direction beyond our present limits increases our difficulty—takes us further from our own resources, further from the sea and from our railroads, and, in the event of a hostile collision, diminishes the difficulties of an enemy by lessening the distance between our opponent and the base of his communications. It may be that many of your Lordships may regard this as a superfluous warning; but I cannot help remembering the Afghan War of some 30 years ago. What was the object for which that war was made, and who was really responsible for it, are questions which it might now be difficult to answer. It was a war made under the influence of a Russian panic. I know how difficult it is for a Government like ours, where it has to deal with Indian Princes, to avoid entanglements of this kind. I know how very easily in the East friendly relations become an alliance, how an alliance is converted into a protectorate, and how a protectorate ends in virtual annexation. My Lords, I cannot allow the San Juan question to pass without one word of notice. I do not and cannot blame Her Majesty's Government for referring that question to Arbitration. I myself, representing the Government of Mr. Disraeli, set the example in that direction; I thought then and think now that this was a question eminently fitted to be disposed of in that way. Nor do I criticise or complain of the decision arrived at, although I regret it. No doubt the tribunal was impartial; it had the advantage, as we know, of skilful and experienced advisers, and we must admit that we cannot be fair judges in our own case. But there is one point connected with that Arbitration about which it is desirable to have the facts ascertained. It is commonly alleged—I do not vouch for it, but such is the general belief—that the Arbitrator in that case and those who advised him were inclined to favour the selection of a channel intermediate between that claimed by the United States and that claimed by England, but that

The Earl of Derby

they held themselves precluded from doing so by the terms in which the reference had been framed. That reference, it is said, left them only the option between the two alternatives already before them, and did not leave them free to strike out a third by themselves. If that report can be contradicted, let it be done; but if the statement has any foundation, we have lost, by an unfortunate oversight, a naval station of considerable value. There is another part of the Speech which I cannot pass over in silence. It in some degree challenges an expression of opinion; and if that challenge is refused or evaded, we may seem to give an approval to statements in which we certainly do not concur. I refer to the language—half apologetic indeed, but half congratulatory—employed in the Queen's Speech in reference to the Treaty of Washington. I am not going to take your Lordships over ground which has been so often traversed; but, as this may be the last occasion on which the subject may come before us, I wish to place on record my emphatic denial that in that settlement there is any reasonable cause for congratulation. I know it is popularly said in defence of that Treaty that it is very disagreeable to be put in the wrong and to have to pay £3,250,000; but that, after all, such payment is a very much more tolerable alternative than war between the two nations would be. That is an assertion which I, for one, do not dispute; but for anyone who knows what the state of American feeling has been during the last five or six years to talk about those Claims being ever likely to lead to war is a proposition so absurd that it can hardly be listened to with patience. Is it seriously contended that, after Arbitration had been offered by us and refused—when the only remaining difference was as to the conditions on which Arbitration should be based—that 10 years after the original grievance, and when half the American people had forgotten all about it, they, the most commercial and most industrious of nations, who have cut down their army and navy to nothing, and are paying off their debt at the rate of £10,000,000 or £12,000,000 a-year, should suddenly break out into hostility on this old half-forgotten question, with the country with which they are doing by far the greatest part of their enormous business? But then it is said, "Admitting there was no risk of war between the two countries, it is a great thing to have secured the friendship and good-will of the American Government." From that proposition I, for one, am not prepared to dissent. But have you done it? I wait to hear the facts upon which this assertion is based. The only proof offered is the quotation of a few civil and courteous words in a public document. I suppose the Americans are like other people, only rather sharper where a bargain is concerned, and to believe that they will respect you the more because in this transaction they have outwitted you is to form a very curious judgment of the motives by which men are actuated. The more probable result is that, having found a somewhat peremptory and dictatorial tone of diplomatic communication to answer in this case, they will try it again when any cause of difference shall arise—not in the least from ill-feeling, but simply as a matter of calculation, because it has succeeded before. It is neither my duty nor my wish to put the matter in a light unfavourable to one's own country and its honour; but still we must recollect that this transaction admits of being looked at from different points of view. There is certainly a strange contrast between our resistance in 1864 and our almost absolute surrender in 1871. You may explain it as you will, but it admits of an explanation which is not agreeable. In the United States nine people out of every ten will say, "The English bullied us when we were weak and divided; they are civil and deferential to us now that we are united and strong." That will be, that is their feeling; and it will hardly tend either to increased cordiality or increased respect. As to the result of the Arbitration, so far as money is concerned, I have not, my Lords, a word to say. What we did we did with our eyes open. We framed Rules which were calculated to insure our defeat. We invented, at infinite pains, a non-existent international law, for the purpose of proving that we had broken it. And if I may judge by the language of our public men and of a portion of our Press, I think the Arbitrators at Geneva may reasonably have supposed that, so far from being anxious to win, we should have felt mortified and disappointed if by any chance the decision had gone in our favour. Unluckily, the effect of this transaction does not end with the payment of £3,250,000. If it did our loss would be comparatively small. Three millions are a large sum, no doubt, but not more than one-fortieth of the yearly savings of the nation; and we can pay it at the cost of spoiling a single Budget. The money is the least part of the business. What I fear is the effect which these new Rules, and the construction put upon them, may have on future negotiations. When these Rules first commenced, we had a statement from the noble Marquess (the Marquess of Ripon), that they did not go beyond—and were not intended to go beyond—what was the guiding principle of Lord Palmerston's Administration; and so in the argument of Sir Roundell Palmer it is laid down that the Rules meant nothing more than what Lord Palmerston's Government had always undertaken to do. It was therefore in that sense, and with that meaning only, that the Treaty was concluded on our part. Now, in three material points, the award of the Geneva Arbitrators has put on these Rules a construction entirely different from that which they were meant by us to bear. First, as to what constitutes "due diligence." In the British Case we defined the meaning which we put on these words, and that definition was expanded and enforced in the final argument of the noble and learned Lord now on the Woolsack. I do not quote the passage—it is long, and I could not abridge it without risk of inaccuracy; but the view of our obligations which it embodies I accept as fair and reasonable. But when I turn to the Award I find a totally different principle adopted. The Arbitrators accept the American view of the case, and lay it down, in effect, that no diligence can be considered as "due diligence"—no matter what care may have been used—which has not been proved by the result adequate to stop the evil. In this conflict of authority we are left exactly where we were. The Rules mean anything or nothing. Now all this confusion arises in consequence of the vague, indefinite, and ambiguous words used by our negotiators; and I may remind your Lordships that this very ambiguity was distinctly pointed out in this House before the ratification of the Treaty, and when, therefore, there was time to set it right. The second point on which the principles of the Award are such as we cannot sanction, relates to ships which, having been originally fitted out or built in a manner which violated our municipal law, afterwards became commissioned ships of war of the belligerents, and then came within our own jurisdiction. We contended that such ships could not be seized, and that the first Rule did not apply to the departure of a ship after she had become a national vessel. That view was very ably supported in the arguments before the Arbitrators, but the Award declares that the failure to seize even a commissioned ship is a breach of the Rule. Now, how will that operate in future? We passed the Foreign Enlistment Act three years ago, no doubt, and that measure largely increases the power of the Executive in such matters; but it exempts from its operation all commissioned ships, and therefore, as the Award stands, if a similar case were to recur, the British Government would be liable to pay damages for not having done that which it possesses no legal power to do. The third point to which I wish to call your Lordships' attention refers to coaling. Now, coaling by a belligerent in a neutral port has always been held lawful hitherto; indeed, the United States did it to a large extent in our ports, during the late war. There is nothing in our own municipal law to prevent it being done, and it is not in the power of the Executive, so far as I know, to prevent it; but the Award declares that coaling under any circumstances will be a violation of the Rules. That is a new and startling doctrine, and, moreover, an exceedingly inconvenient one; not merely on the ground of interference with trade, which is a small matter, but because the more you multiply these restrictions the greater is the difficulty of observing them, and the greater, consequently, the risk of finding that you are breaking your own law. But that is not all. In the case of one vessel—the *Oreto*—the decision of the Tribunal lays down the principle that if our Government, or any Government, proceeds against a vessel in its own Courts for a breach of its municipal laws committed in its own waters, and the owners of the ship are acquitted, that is no defence to a claim under these Rules. In other words, the Executive is made responsible for the decision of tribunals which it does not influence, and over which it ought neither to have, nor has, the slightest control. A serious constitutional question is involved in this matter. Which are we to do? Alter our law to make it meet the Award, or throw the Award overboard as a guide in future proceedings? In the latter case, what becomes of all the "tall talk" we have heard about its being well worth while to pay £3,000,000 and more in order to have our international obligations defined for the future? We have had to pay when the Rules went against us, and we shall not be able to appeal to them when they might operate in our favour. In the other alternative, if we alter the law, observe that the alteration will be forced upon Parliament and the country, without either being consulted, by the action of half-a-dozen gentlemen sitting on a Commission at Washington, who, as we were told two years ago by the Foreign Secretary, had no other duty than that of arranging a method, by Arbitration or otherwise, of settling the American Claims. We know that our political system gives to the Executive a very large treaty-making power; but this is the first instance, as far as I know, on which that power has been used to pledge Parliament, without its sanction or knowledge, to a particular course of domestic legislation. I hope I shall not be misunderstood. I do not wish to deal with what is past; let bygones be bygones, by all means. By all means let us pay the money and have done with it; but my fear is that we are laying up a fresh stock of troubles for ourselves hereafter. We have been anxious to do away with occasions of offence, and in trying to do that I fear we have indefinitely multiplied them. We all believe as well as hope that in future wars we are more likely to be neutrals than belligerents; and if the principles which have been now laid down are to be received and acted upon as those which are henceforward to govern our international relations, I can only say that neutrals in time of war will have a very hard time of it. I have troubled your Lordships at greater length than I wished or intended, and my only excuse is that the matters to which I have called your attention are of real importance. I am glad to see that, in the general tone of the Speech, there is nothing which foreshadows legislation of a violent or a revolutionary character, and though I cannot build too confidently on that, yet, if the result corresponds with the promise, I for one shall cordially rejoice; and I think my noble Friends will rejoice equally, both on public and private grounds, if we find ourselves able, during the present Session, without violating our own principles or doing injustice to our own opinions, to render to Her Majesty's Government an honest, an independent, and a conscientious support.

EARL GRANVILLE: My Lords, it is my agreeable duty, in the first instance, to acknowledge two compliments paid by the noble Earl, and for which I tender him my thanks. The first had reference to the gratifying manner in which the accession to this House of the noble and learned Lord on the Woolsack (Lord Selborne) has been received. The other was the very well expressed and very well deserved compliment—which I should have liked to have paid myself, but which came with infinitely greater force and authority from him—to the noble Earl and the noble Baron sitting behind me, for the speeches they have made to-day. I will not add one word to that compliment, which I believe to be most fully deserved. I would rather add a word of warning, if I may use the phrase, to them. I would say that ability has its duties as well as its rights, and after the successful and distinguished part they have taken in this debate, we have some right to expect that they will not rest upon the efforts they have made to-day. In reference to that part of the Royal Speech which relates to internal affairs, I have very little to complain of in the remarks offered by the noble Earl opposite. His speech was not, indeed, very encouraging but assumed rather the character of a wet blanket, both as to future legislation, and to the condition of this country and that of the sister kingdom. Notwithstanding the few closing sentences of the noble Earl's speech as to the legislative proposals for the Session, I am afraid they are not altogether acceptable. I can assure him we are perfectly aware of the difficulties with which we are beset in regard to the great and important question of Irish University Education; we shall present our proposals in that shape in which we think they will best deserve the concurrence of Parliament, and I trust we shall pass them with the concurrence of the noble Earl, notwithstanding that he could not quite rely upon the terms of the Royal Speech excluding anything which was violent or revolutionary from the measures to be introduced by the Government. I willingly take note of an assurance given by the noble Earl in reference to the subject of Law Reform. I heard with satisfaction the assurance which the noble Earl gave of a disposition to concede that this question ought not to be a party question at all. The noble Earl in his speech alluded to several topics of very great importance with reference to foreign affairs. With regard to the mission of Sir Bartle Frere, I am glad to see that both sides of the House join in the expression of approbation at the selection of that gentleman for the mission; and as to the warning which the noble Earl gave to a Government that is generally supposed to be too economical not to spend too much money on this particular point, I perfectly agree that we are not bound to spend money lavishly, but our object will be to spend just sufficient to attain the object on which we have embarked;—having advanced so far, we are bound to go to the point at which we shall attain it. Respecting the results of the Washington Treaty, the noble Earl expressed himself in very strong terms—in terms which I hardly think are perfectly consistent with all that he himself has said and done. I always gave him great credit for being the first to consent to Arbitration on the subject of the Alabama Claims;—I always approved his doing so, although some of my Colleagues did not share that feeling with me and thought it a mistake, though they thought that when the movement in that direction was once begun, it ought to be carried on with the view of bringing it to a successful issue. The noble Earl says there was no advantage in what we did, that we stood in a very good position, that we had offered Arbitration, and it had been agreed to; and he particularly urged that there was no advantage to us, because war was not imminent at the time. I entirely agree with every word he said to show that there was no imminence of war at the time. I must say that proves to me that that was the most satisfactory time to come to a settlement of the question. It is perfectly clear, as the noble Earl said, that America did not wish to go to war any more than we did; she was, indeed, less prepared than we were; and there was nothing to show that there was any imminence of war. But the noble Earl forgets that our proposal to the American Government was to come to some settlement of the Fishery question between Canada and the United States, which was very pressing and urgent indeed—not absolutely as threatening war, but as likely to lead to complications which it would be difficult to settle in a satisfactory way. I do say there was no more fitting moment than when there was no question of anything being done under compulsion for us to take the initiative in a settlement of this sort. The noble Earl says it is impossible that the Americans, as the claimants, should have raised the question in a hostile spirit. I have some doubt of that; and I have an historical precedent to the contrary. Under the Milan Decrees, the American Government conceived that they were entitled to compensation for great losses; and the negotiations about those losses lasted from the time of the Milan Decrees until 1831. Then ensued a revolution and a change of Government in France, and, during the weakness incidental to those events, the claims were pressed and a treaty was concluded for the payment of £1,000,000 sterling. The Chambers refused to ratify the Treaty; the matter went on for three or four years; and the French withdrew their Minister from Washington, while the American Government threatened reprisals. Finally, on the mediation of England, the sum of £1,000,000 was paid over to the American Government. Since then the French and the Americans have been particularly good friends — and none will deny the even reckless military courage of the French; no one will deny that they have an exaggerated sensitiveness on the point of military honour. Surely, it was much more satisfactory to come to an arrangement such as we have effected at a time when there was no prospect of conflict than to have left it open to the Americans to press their claims, possibly in a hostile manner, at the moment most disadvantageous to us? The noble Earl objects to the Rules that have been made, and says that they have no authority. But we have a very high authority for saying it is advantageous to us to have Rules. The noble and learned Lord opposite (Lord Cairns) had said—

> "I do not know that I do very much, if at all, object to these Rules in substance as guides for our conduct in the future; indeed, so important do I regard it that we should have something clear and precise for our guidance in the future, that I should be willing to sacrifice my opinion of what in the abstract would be desirable Rules for the sake of having some Rules about which there can be no mistake."

LORD CAIRNS: But I pointed out that these Rules were not precise.

EARL GRANVILLE: I think we do not require the authority of the noble and learned Lord to show that these Rules were advantageous. What might have happened under the perfectly open Arbitration offered by the noble Earl? The Arbitrators might have selected any Rules and any principles they thought fit, and so made an international law for the purpose; whereas, we thought fit to bind them to a set of Rules agreed to by the two countries. The noble Earl says they were new. I deny that they are; I state that the two last Rules are coincident with what the American Government and with what the English Government believed to be rules of international law. In regard to the first Rule, the Americans considered it according to international law. We had never acknowledged it as according to the principles of international law at the time of the escape of the *Alabama*, and the only concession we make in conceding it is, that we consent to be bound by an assurance, which is willingly given by the American Government, as to the construction which we had always put on our own municipal Act and our conduct under that Act. The noble Earl said he did not attach much importance to the money question—and it was impossible for him to have said the contrary. In the House of Commons, in March, 1868, he said that he never concealed his opinion that, under the reference proposed by us, the Americans were very likely to establish their Claims, or some of them at least, and to get the money; but he looked upon the money part of the question as of little moment. The noble Earl added, "But you can never tell beforehand how these matters will turn out." I think, then, we have some reason to complain of his criticisms to-night, after the result of the Arbitration has become known. The noble Earl spoke as if the amount of British Claims would be no unimportant set-off to the Claims preferred against us. I may in reference to this remark inform your Lordships that the consideration of the British Claims under the Treaty of Washington is now going on satisfactorily, and that several important Awards have been made. But for the noble Earl now to hold that we have eaten humble-pie and injured our position with America is quite inconsistent with what the noble Earl himself allowed to go to Arbitration. The noble Earl himself announced that he expected, as the result of the Arbitration, that we should have to pay money; and that, I repeat, is perfectly inconsistent with the attack he has now made upon us. There is one matter which is, perhaps, hardly relevant to this part of the noble Earl's speech, but which, being of a personal nature, I will now mention in the hope that I may never again have to refer to it. With regard to the part taken by Lord Russell, I happen to know that had he not been prevented coming to the House to-night it was his intention to complain that Mr. Gladstone, the noble Marquess (the Marquess of Ripon), and myself had not sufficiently defended his personal honour in respect of the escape and action of some of the vessels concerned. Certain aspersions had been levelled against him, and he was very anxious that they should be fully met and answered in the presence of the Arbitrators. I wish to state what I believe will be a complete answer to that charge. I knew indeed that Mr. Fish, in his despatch to Lord Clarendon, did allude to Lord Russell's conduct personally; and I also felt that Mr. Gladstone and myself were equally responsible with him for the action of the Government at that time. But the noble Marquess (the Marquess of Ripon) tells me that Mr. Fish never made any such allusion during the negotiations at Washington. The subject was introduced in the Case of the American Government, and also repeated in the Argument upon it. We carefully considered how we should deal with the subject; and we came without the slightest doubt to this conclusion. In the Counter Case we declined to argue the point on four grounds, the principal of which were—first, on the ground of self-respect, and next because of the irrelevancy of the matter introduced. When, however, I found that Lord Russell had a strong wish that his honour in this matter should be defended before the Tribunal at Geneva, I lost no time in writing to that person who was more competent than myself, and of all others certainly the best acquainted with the whole facts of the case, having been connected with Lord John Russell's Government as one of its Law Officers—I mean the noble and learned Lord now on the Woolsack—expressing a hope that he would immediately see that the wishes of Lord Russell were attended to. After consideration, my noble and learned Friend was of opinion that he should not have an opportunity at that stage of the proceedings to bring the subject under the notice of the Tribunal; but he mentioned the subject to the Lord Chief Justice, over whom we had no control whatever, his regret at not having the opportunity of meeting Lord Russell's wishes, and submitted to him whether he would consider it consistent with his duty to allude to the subject. The Lord Chief Justice introduced the subject with the greatest eloquence and energy, repelling the accusation brought forward against Lord Russell. I may state also that with regard to the Award which has been made against us in respect of the three ships, there is absolutely nothing which in the slightest degree affects the honour of the Government, and therefore of those who administered the Government, because the grounds on which the decisions were based had reference to the action or inaction of the authorities in the colonies or of sufficient or insufficient diligence in the subordinate authorities at home. I am quite sure your Lordships will pardon this digression on my part; I could not forbear saying so much in justice to my oldest friend and my own former political chief. I must add a few words about the character of the Award. The noble Earl seems to assume that any decision of the Arbitrators was absolutely binding upon us, and would become part of our international law. That is not my opinion. My notion is that if the Arbitrators had given a very unsound and unreasonable judgment it might have been of some weight as a precedent, but it could not have been taken as constituting an obligation between the two countries for ever afterwards. But we are now in a different position. We now have the advantage of an international engagement in the three Rules which it would be competent to carry out, and the effect must be to save us and the United States from future damage in case either of us are belligerents. I do feel if you went to Arbitration at all it was right to have these Rules to bind you. What has been the criticism of foreigners with regard to the character of these Rules? The criticism passed by them has been not too favourable to America, as compared with Great Britain, but that they are one-sided, inasmuch as they are too favourable to two great maritime nations. Another criticism has been that it is too favourable to a country which, like England, has naval stations all over the world. The noble Earl has alluded to the San Juan Boundary question. He admitted that he did not object to the point being decided by Arbitration. Indeed, Lord Russell, Lord Derby, and Lord Clarendon had all proposed that it should be so referred. It is quite obvious that in a question such as this, and seeing that the Island was partly occupied by English and partly by American troops, the indiscreet act of a single person might at any moment have led to serious consequences. There can be no doubt as to the wisdom of referring this question to Arbitration; but the noble Earl says he thinks that the German Arbitrators would have selected an intermediate channel, if we had taken care that the opportunity of doing so was allowed them. I really do not know why the noble Earl should hold that opinion unless it be because of the natural tendency of Arbitrators to select the middle course if three are open to them. But by the terms of the reference, they were not able to decide in favour of an intermediate channel. Is that to be made a matter of complaint against us? Until the Award was published not a word was breathed by anyone in condemnation of the terms of the reference, except by Lord Carnarvon, who did, at the time, call attention to the subject; but the only complaint made by the noble Earl was that the noble Marquess on my left (the Marquess of Ripon) had made two other proposals before he agreed to this one. Well, but if English negotiators are never to propose terms on the part of this country, except on the understanding that they are *ultimata*, it seems to place negotiators at a great disadvantage. Nobody knew of the Middle Channel at the time of the Treaty, and therefore it is impossible to pretend that that was the line intended by the Treaty. The Middle Channel was a compromise suggested by Lord Russell's Government, and rejected by the United States, who said—"We want a settlement, not a compromise." Moreover, the channel was hardly a compromise, for all that either we or the Americans cared about was the possession of the Island of San Juan, and the Middle Channel gave the Island of San Juan to us as much as the Rosario Channel did. Much had been said of the feelings of the Canadians on the subject; but the Prime Minister of Canada, in his speech on the Alabama Treaty, dismissed the article of the San Juan Arbitration with the remark that it was a matter to which no one could object, nor was any objection heard of either from Canada or England, until the Award was made; nor was objection made to its terms by any person at the time. With regard to another subject, on which the noble Earl touched with great moderation—as he always treats such subjects—I allude to what has passed with Russia with respect to the Central Asian question—I have very little more than a simple statement to make. I am afraid that the few words I have to say will fail of anything like the sensational character which has been imparted to this subject both in this country and abroad, and which I must say is partly due to the telegraphic despatches from St. Petersburg itself. The facts are these. In 1869 there were several discussions between Lord Clarendon and the Russian Government as to the propriety of establishing a northern boundary line, beyond which Russia would not go; but though it was admitted to be desirable to come to an agreement on this point, yet none was effected. The subject was gone fully into, and the conclusion was arrived at that it was desirable that a frontier line should be decided upon; but no definite conclusion was arrived at. Since then there has been some discussion as to the desirability of establishing a zone of neutral States in that territory; but after due reflection we were unable to approve of that idea. The Russian Government undertook that certain reports should be prepared, from local sources, on the points in controversy between us; and in October last I sent a despatch to that Government, courteous in its tone, and pointing out that we were still without these reports; and I took the occasion to recapitulate our reasons for believing that the frontier line we had suggested was the most suitable. In reply, there came a long despatch from Prince Gortchakoff, recapitulating on his part, but very fairly, his views on the subject, and stating why, though the Russian Government agreed with us in respect to the greater part of the territory in question, yet that there were two Provinces, Badakshan and Wakhan, which, for political reasons, he did not wish to have included in it. Almost immediately afterwards we heard, both from Lord Augustus Loftus and from Baron Brunnow, that Count Schouvaloff was coming over here charged with a special mission from the Emperor, and on the 8th of January in this year I wrote a despatch to Lord Augustus Loftus, in which I stated—

"Having received information from your Excellency and from Count Brunnow that Count Schouvaloff, a statesman enjoying the full confidence of the Emperor of Russia, had left St. Petersburg for London at the desire of His Imperial Majesty, I had the pleasure of receiving his Excellency on the 8th inst. He confirmed the fact that it was by the Emperor's desire that he had sought a personal interview with me. It had caused great surprise to His Imperial Majesty to learn from various sources that a certain amount of excitement and susceptibility had been caused in the public mind of this country on account of questions connected with Central Asia. The Emperor knew of no questions in Central Asia which could affect the good understanding between the two countries. It was true that no agreement has been come to as to some of the details of the arrangement concluded by Lord Clarendon and Prince Gortchakoff on the basis of Mr. Forsyth's recommendations as to the boundaries of Afghanistan; but the question ought not to be a cause to ruffle the good relations between the two countries. His Imperial Majesty had agreed to almost everything that we had asked. There remained only the point regarding the Provinces of Badakshan and Wakhan. There might be arguments used respectively by the Departments of each Government; but the Emperor was of opinion that such a question should not be a cause of difference between the two countries, and His Imperial Majesty was determined that it should not be so. He was the more inclined to carry out this determination in consequence of His Majesty's belief in the conciliatory policy of Her Majesty's Government. Count Schouvaloff added, on his own part, that he had every reason to believe, if it were desired by Her Majesty's Government, the agreement might be come to at a very early period. With regard to the expedition to Khiva, it was true that it was decided upon for next Spring. To give an idea of its character it was sufficient to say that it would consist of four and a-half battalions. Its object was to punish acts of brigandage, to recover 50 Russian prisoners, and to teach the Khan that such conduct on his part could not be continued with the impunity in which the moderation of Russia had led him to believe. Not only was it far from the intention of the Emperor to take possession of Khiva, but positive orders had been prepared to prevent it, and directions given that the conditions imposed should be such as could not in any way lead to a prolonged occupancy of Khiva. Count Schouvaloff repeated the surprise which the Emperor, entertaining such sentiments, felt at the uneasiness which it was said existed in England on the subject, and he gave me most decided assurance that I might give positive assurances to Parliament on this matter.

With respect to Khiva, your Lordships are aware that Lord Northbrook has adopted the policy of Lord Mayo and of his predecessor, and has declined to assist that country in her attempt to resist the reasonable demands of Russia, and we have the assurance of Russia that reasonable redress is all that she requires. It is quite true that an assurance of that kind can only be judged by the result; but I will say that, considering the form of the Russian Government, and the character of the present Emperor of that country, I myself attach as much value to an assurance of that kind as I should to a more formal communication. I have only now to thank your Lordships for the patience which you have extended to me, and to say that I have afforded to the House the best explanation I could give within the limit of time at my disposal of the various points that have been raised.

The Marquess of SALISBURY: My Lords, no doubt the noble Earl who has just sat down (Earl Granville) has afforded us various items of information: but there is one point in his speech as to which the information is wholly deficient—and that is with regard to the light in which Her Majesty's Government regard the questions of international law which arise out of the decision of the Arbitrators at Geneva. The noble Earl escaped from the subject by pleading his entire ignorance of legal questions. I wish his diffidence had come to him at an earlier period, when he might have been induced to submit the terms of the Treaty of Washington to the Law Officers of the Crown at a time when those ambiguities which have occasioned so much confusion could have been avoided. The point with regard to the Geneva Arbitration is this—whereas you consented to one set of Rules, and were willing to be judged in the sense that you understood them; the Arbitrators, after the sacrifices you had made, set up under cover of these Rules a totally different set of principles, and we have no intimation whether Her Majesty's Government intend to accept these principles, or how they mean to proceed with regard to them. The noble Marquess (the Marquess of Ripon) on a former occasion represented to us in the strongest way that these Rules covered nothing but what Lord Palmerston's Government had already accepted; and I remember that the noble Duke opposite, in answering some warnings I ventured to give, pointed out that we had sacrificed absolutely nothing, because we had only promised under these Rules to do what we had always done, and had thereby secured the assent of the American Government to the Arbitration. But it appears to me before this matter is closed, before the money is paid, that some statement of a formal character ought to be made by Her Majesty's Government, which shall prevent the doctrines set up by the Arbitrators from being used against us on a future occasion. The Arbitrators set up as a definition of "due diligence" a test to which no free people can possibly submit. They have laid it down that in the exercise of this "due diligence" they would have no regard to the municipal law by which a country may be bound at the time, and that she could not defend herself against charges made against her by pleading the inefficiency of her legal powers. What I want to know is, whether these decisions are to be looked upon as judge-made law, and whether for the future they will be held to have entered into and become a part of our international law? I trust we may obtain from the noble and learned Lord on the Woolsack some explanation of the view that he takes of the effect of the language which the Arbitrators used in giving their decision. If they had been content to award a sum of money and go no further, the matter would be closed at once; but in the Award they have laid it down that we are bound to adopt a system of law which may seem tolerable to foreign nations, but which would be totally intolerable to our own. They have required that we should have an organized system of espionage—that we should overrule the decisions of our own Courts—and that we should exercise a surveillance over our colonial Courts, which we could only do by reducing our Colonies to a state of submission which they would at once resist. What I missed from the noble Earl's speech was, some reference by Her Majesty's Government to those strange doctrines which the Arbitrators have laid down, and some explanation of the position which Her Majesty's Government have taken up. Do you regard these doctrines as part of international law? do you intend to accept the Rules in the sense in which you originally accepted them? or do you intend to accept them yourselves, and to recommend their acceptance to other nations in the sense which the Arbitrators have laid down? If you admit the sense the Arbitrators put upon them, you are bound, it seems to me, to make alterations in your municipal law so as to bring it into harmony with the new principles on the subject. If you contend that they are not binding in the future, it seems to me that you must insist on some alteration of them. I trust that before the debate closes we may have some explanation on these points from the noble and learned Lord on the Woolsack.

THE MARQUESS OF RIPON, who was very imperfectly heard, said, he did not think his noble Friend (Earl Granville) was open to the observations of the noble Marquess. The position of Her Majesty's Government was this—that we are bound by the three Rules in the terms in which they are expressed in the Treaty, and are not bound by Statements which may have been made by the Arbitrators—which have no effect in determining the construction of the Rules and are the *obiter dicta* of Judges. He might further say that many of the points in the Award of the Arbitrators to which objection was taken, are not directed so much to matters arising out of the Rules as upon general principles of international law.

LORD CAIRNS: My Lords, in reference to the Rules adopted at the Geneva Arbitration, they have been discussed in so exhaustive a manner by my noble Friend who followed the Seconder of the Address (the Earl of Derby), that I have not a word to add to what he said. If this had been an occasion when there was nothing to be done but to pay the money, it would be very unworthy of the dignity of Parliament to occupy itself with any discussion on the question. When you go to arbitration in ordinary cases the Arbitrator is the Judge. If he decides against you you cannot help it—you may be very dissatisfied with the award, but your only course is to pay the money. But, unfortunately, that is not the condition of affairs in the present instance. In this case the Award is not the end but the beginning. The Award is the beginning of a new state of things, and that new state of things we must face. The questions with respect to this new state of things have not only not been answered, but have not even been touched upon by Her Majesty's Government — as I listened to the speeches of the noble Earl (Earl Granville) and the noble Marquess (the Marquess of Ripon), I could only account for them on the supposition that they have not apprehended what our points are. The first point which we put is this—You are bound by the Treaty of Washington to make known the Rules upon which you have agreed with the United States to the other maritime Powers, and to solicit their assent and adhesion to them. The question I have to ask is this—Have you made known these Rules? if so, have you asked the other maritime Powers to assent to them, and in what sense? What meaning do you put upon these Rules? Is it the meaning you put on them at first yourselves, or the meaning which the Arbitrators put upon them? The noble Marquess opposite (the Marquess of Ripon) is wrong in supposing that the points we raise relate to the views stated by the Arbitrators on abstract questions of international law. What the Arbitrators have done is this—they have expressed upon the face of their Award the meaning which they attach to various portions of the Rules contained in the Treaty of Washington. My noble Friend (the Marquess of Salisbury) has pointed out three matters with respect to which the Arbitrators have put a construction on the Rules totally at variance with the construction which we put upon them. When I say "we," I mean Her Majesty's Government. In this case are you going to recommend to foreign Powers the Rules as explained by the Arbitrators, or as understood by yourselves? If you go to foreign Powers I can well imagine the first question they will ask is, what construction do you put upon the Rules? And if you say you adopt the view taken by the Arbitrators, and recommend the Rules in that sense, foreign Powers will probably remind you of the story of the fox that lost his tail, and say that his brother foxes remarked how singular it was that he had never proposed that other foxes should go without their tails until he had lost his own. I quite agree that this Arbitration should produce a very good feeling hereafter between this country and the United States, and, perhaps, the hopes the Government have of this being so are justified by information in their possession; but, considering the way in which the Treaty had been used by the Americans to set up what are called the Indirect Claims, considering the statement made in the American Case and Arguments, I can imagine there are people in this country whose feelings towards the United States have not been very much improved by the proceedings under this Arbitration. The United States, however, have cause for entertaining extremely good feeling towards us. They have certainly been the successful party, and I have been much surprised to read in the newspapers expressions indicating a very different state of feeling on their part. I am quite willing to hope for the best, and trust that good feeling will ultimately be created by this Award. There is one thing, indeed, I do rejoice at. I am very glad that before the proceedings at Geneva came to an end an opportunity was taken by the Lord Chief Justice of England, in a document which for ability, clearness, and exhaustiveness is almost unrivalled, to repel in the strongest way the statements made on the part of the United States with regard to the motives both of the Government and of the people of this country. I quite agree with the noble Earl opposite (Earl Granville) that these statements should not have been repelled or argued upon in the Case of the Government. The person whom I should like to have seen repel them was the Arbitrator appointed by the American Government; but he did not see fit to do so, and it was left for the Lord Chief Justice, who has done it in the most satisfactory way. I do not join with the Cabinet Minister who expressed his regret some months ago that the Lord Chief Justice had published his reasons for declining to sign the Award; I have been still more surprised to hear that the Lord Chief Justice has had conveyed to him from the Government, although indirectly, a similar expression of regret.

Earl GRANVILLE: Not from the Government. Whatever has been said was merely the expression of a personal opinion.

Lord CAIRNS: Then I will say no more about it, beyond taking this opportunity of expressing my entire dissent from the opinion of the Chancellor of the Exchequer; and I venture to think that even when we may hope the financial eccentricities of the Chancellor of the Exchequer shall have been forgotten, the document prepared by the Lord Chief Justice upon the Geneva Award will be remembered as one of the most lucid ever penned upon this branch of international law. Now, with reference to the San Juan question, I must say the points raised by my noble Friend near me (the Earl of Derby) have been in no way met by the Government. The Treaty of 1846 provides that the boundary line should be continued up the middle of the channel which separates the American Continent from Vancouver's Island. That clearly points to the middle line running down the arm of the sea between the island and the continent, and the reading of the Treaty being disputed, it should have been left to the Arbitrators to decide. The point was not overlooked, because the Commissioners proposed it should be open to the Arbitrators to decide on the meaning of the words. Upon this the Americans said they desired a decision, not a compromise. There would have been no compromise in such a reference; but the expression of the American views in such an epigrammatic fashion as this seems to have thrown our Commissioners completely on their backs, and they had not another word to say. Thus we were deprived of even the chance of a decision in our favour.

The LORD CHANCELLOR: My Lords, I confess it is with some reluctance that I join in a discussion upon the effect of the late Arbitrations between this country and the United States. If it is to be done at all, it would be more convenient, I think, that it should be done upon an occasion when your Lordships' time could be entirely devoted to the subject; it would certainly have been better if it could have been done when the transactions were a little less recent, when all parties would have had time for cool reflection as to the effect of what has occurred, and the measures, if any, which it may be expedient to take. I personally feel additional embarrassment, because the duty I had lately to discharge makes me—as I am sure your Lordships will readily understand—not only most unwilling to say one word which can savour of disrespectful criticism of the Tribunal before which it was my duty to argue in behalf of my country, but also because it is most difficult to anticipate with certainty the effect of anything one may say upon those friendly relations between this country and the United States, to secure which was, after all, the object of the Treaty, and for the sake of which we may cheerfully have sacrificed some things which under other circumstances we might have been justified in declining to sacrifice. I will take the last point alluded to by the noble and learned Lord (Lord Cairns) as an illustration of what I have said. The simple truth of the matter relating to the water boundary between the United States and Vancouver's Island is this:—The two nations have for a considerable period been in controversy, not upon any abstract question, but upon the particular question as to whether the one or the other of two particular channels was that intended by the Treaty. We contended for one particular channel, they for the other, and neither of us contended at any time for the abstract geographical medium line of the waters: and they said, "We are not willing to send to arbitration a question about which we have not been contending, and which neither of us had in our minds." I entirely agree with the noble and learned Lord that if the political considerations which actuated both Governments in coming to this arrangement had been out of the question, it might have been a reasonable thing to leave it in the power of the Arbitrator to fix the line in any channel which he might think abstractedly right. But the question was really dangerous—more so even than the question of the Alabama Claims—inasmuch as it involved matters of controversy which at any time might become sources of disturbance to the peace existing between the two countries. We desired to give and we proposed to give full powers to the Arbitrators, but the United States were not willing to do so; and our Government, feeling that it had never stood out for the medium line of boundary, was contented to go to arbitration in order to ascertain which of the two channels contended for on each side afforded the proper line of demarcation, and we thought it would not be worth while to lose the arrangement altogether by introducing a new element. With regard to the Geneva Arbitration, I should like to advert to a topic which has been publicly mentioned by the noble Lord the Chairman of Committees upon more than one occasion. The noble Lord thought the Arbitration could be got rid of altogether—he said there was a preliminary objection to the claims of the United States being entertained, because the United States now included the belligerents on both sides, and that it was improper that Great Britain should be held liable to a nation once united, then separated, and then united again, for injuries which one part of that nation had inflicted on the other. The noble Lord thinks this point was not done justice to by the Government. But, now that the whole thing is over, I hope I may be pardoned for saying that I do not think the argument was of the value which the noble Lord attributes to it. It might have been a very good reason for not going into arbitration; but by going into arbitration we waived that objection; or, at all events, the actual terms of the arbitration and of the reference distinctly waived such an objection. By the terms of the reference we made it the duty of the Arbitrators to say, first, whether we had failed in our duty in regard to any particular vessel, and if we had so failed in our duty, then the Arbitrators were either to fix a gross sum, or to send it to assessors to assess the sums to be paid by us. There was, therefore, no ground for the argument that, because the United States consisted of the North and South, the United States had no claims upon us at all. It was not competent for the British counsel to offer, voluntarily, any further argument, or, indeed, any argument at all. I asked permission to offer arguments on certain subjects; but the Arbitrators said it was for them to settle what arguments they would hear, and they refused me permission to argue upon the points suggested, and the only arguments I was permitted to offer related to points defined by themselves. I should like to say one word also upon a topic to which my noble Friend the Secretary of State also adverted, and which seems to me to have been misunderstood by the noble and learned Lord who has just sat down. It was Lord Russell's desire that certain aspersions should be met which had been cast upon him—I must call them unworthy aspersions, which I, as an individual, deeply regretted, and which must be regretted by many on the other side of the Atlantic who are acquainted with my noble, my venerable and illustrious Friend. Lord Russell expressed that wish to the Secretary of State for Foreign Affairs, and that was also my own desire. It was not in my power, however, to offer any arguments which the Arbitrators did not ask for. They did not ask for any Arguments on that subject, and as it might justly be inferred, for this reason—because those aspersions had not made the least impression upon any one of the Arbitrators. I should have received with satisfaction some larger and fuller expression of dissent from the American side with regard to the language used towards Earl Russell; but Mr. Adams, the United States Arbitrator, so far from concurring in those aspersions, stated that his own impression, derived from repeated communication with Earl Russell when Mr. Adams was United States Minister in this Court, was that the noble Earl was by no means unfriendly towards the United States, but rather the reverse. Therefore everything that fell from the Arbitrators, and the absence of any wish to hear arguments on this subject, showed that these aspersions against a man of the highest character and of more than European fame were entirely pointless and powerless. I could not venture to approach the British Arbitrator with any view of my own in a matter which he would have before him as a judge; but I did venture to state to him, that, if any desire were expressed by the Arbitrators that I should enter upon a vindication of Lord Russell, I was willing, and more than willing, to do so. I added, that, if the opportunity were not offered to me, I was sure that, if it appeared fitting for him to say something in vindication of Earl Russell, he would not forget that I had not had the opportunity of addressing the Arbitrators on the subject. Thus much I thought I might without impropriety say to the Lord Chief Justice; and he stated with authority that which I could not have said so well, and which if said as well, would not have carried the same weight. I am bound to say that I did not offer to the Tribunal at Geneva any arguments on subjects of international law, other than those which I honestly believed to be sound and correct. Nor do I suppose that the Government have changed their views on account of any opinion which on the face of the Award, or off the Award, may have been expressed by any of the Arbitrators. We do not submit abstract questions of law or abstract questions of construction to those whom we make our judges in such an arbitration. The whole matter goes to them for their decision, whether we are in fault or not, and if we are, what in their judgment is the extent of the liability upon which they are called upon to pronounce. To that extent we are bound, and we shall meet our engagement; but I do not hold that we are bound by any propositions which do not commend themselves to our reason and judgment with regard to the grounds of their opinion. I wish to speak, and I am determined to speak, with respect of the late Arbitration and of the Arbitrators. The Arbitrators, it must be remembered, had to discharge duties of a very novel kind. The noble Earl himself (the Earl of Derby) when he was Secretary of State and negotiating an open Arbitration Treaty with the United States on this very subject, never concealed his opinion that if we went into that Arbitration we should fail as to at least one of the ships, and that we should on account of that ship be liable to pay a considerable sum. The noble Earl said that the Arbitrators could not but be influenced by the anticipations of defeat which many persons in this country had expressed—according to the tenor of whose language it might appear, that we went into the Arbitration with almost the desire of defeat, and that we should have been almost disappointed if we had had nothing to pay. If that impression did exist in the minds of the Arbitrators—and I am not sure it did not—by what means was that impression produced? Could anything be better calculated to produce that impression than the fact that one of the wisest and most cautious of our statesmen—at that very time Secretary of State for Foreign Affairs (the Earl of Derby), and actually engaged in the negotiation of a Treaty—declared, in public, that he had never concealed his opinion that we should fail in the Arbitration and have to pay a considerable sum? Similar opinions were also expressed by many others, both in and out of Parliament; and I cannot but here say, that nothing perplexes me more than the public expression of opinions of this sort. On the one hand, they are not consistent with my own idea of what is prudent, or necessary to give us a fair chance of having mere justice done us in controversies of this kind:—on the other hand, I cannot but admire the manliness that leads our people, when they think themselves wrong, to declare it before the whole world. That seems to be quite a settled habit of our nation, and even the noble Earl who, as I just now remarked, is one of the most cautious of our statesmen, does not appear to be exempt from its influence. No doubt these things had an influence. And there was another thing which had a great influence. There has sprung up in our lifetime, and almost since these events, a rather numerous though, I think, not very profound school of Continental writers on international law who propound the vaguest and most novel doctrines. Some of these throw aside the notion that international law ought to be founded upon the *consensus receptus inter gentes* and speculate on what it ought to be rather than on what it has been hitherto considered. These writers have occupied themselves ever since arbitration between us and the United States was talked about, and perhaps a little before, in sitting in judgment by anticipation on this question; and I cannot but think that in this Arbitration such expressions of the sentiments of many people in this country, and the opinions of such foreign publicists, may have had great weight. In regard to these particular points, which I admit are of great importance, I hope it will be seen on looking at the Papers that it is not merely on the interpretation of the Rules that these questionable doctrines are made to rest. For instance, there is nothing in the Rules about the commissioned ships of war of a belligerent Power—nothing on the subject of coaling. The views of the Arbitrators on these points arose quite as much from ideas derived apparently from general notions of what international law is or what it ought to be as from the Rules. It must be remembered that the Arbitrators were not to proceed on the Rules only, but also on such principles of international law as were not inconsistent with the Rules. There is nothing in the Rules which even remotely bears upon the right of a neutral to seize the commissioned ship of a foreign belligerent Power if the ship had been fitted out in a manner of which the neutral Power had a right to complain. There is, indeed, a passage about an obligation to stop the departure of a vessel; but the Arbitrators held that there were no rules of international law on this subject which would prevent that obligation from applying under the circumstances I have just referred to. For my own part, I think that passage relates only to the original departure of the vessel; but independently of that, I should say that these Rules must be construed in connection with the principles of international law. What was wrong, by International Law, against one belligerent, could not be diligence, due to the other. The opinions expressed by the Arbitrators on matters not referred to them are not binding upon us if we think them wrong, and certainly they cannot be accepted and acted upon as if they were obligatory on all nations. As to the Rules being offered for the acceptance of other nations, that was, according to the terms of the Treaty, to be done by the joint action of the United States and ourselves. Now it is probable, I think, that as between ourselves and the United States we shall always be well satisfied if they act towards us in good faith on the Rules in the sense in which we ourselves have understood them; and I do not think it probable that we shall ever ask for or desire more. As regards other countries, doubts and ambiguities may possibly be suggested in consequence of what occurred at Geneva. It would be for those countries to state their views, and for us and the United States to consider in what manner any difficulties which may arise can be met. At all events, the worst that can happen is, that other countries may decline to accept the Rules. But they will still remain binding, according to their proper meaning, between the United States and ourselves. If we continue, as I think we shall, to interpret them as we did at the beginning, then we shall expect from the United States a faithful and punctual observance of them according to that interpretation. Under that we have sufficient powers conferred upon ourselves, and I do not think we shall be under the necessity of asking Parliament to arm us with any fresh powers.

LORD REDESDALE: My Lords, as direct reference has been made to an argument which I brought before the House, and which the Government adopted in the Case and afterwards in their Argument, I trust I may be permitted to make a few remarks. That argument was not allowed to be pressed before the Arbitrators; but I wish to say with regard to it that it was the only part of the Counter-Case which the Americans never attempted to answer. Indeed, I have never heard any answer to that argument, and I believe it to be unanswerable. I am pretty confident, therefore, that if it had been brought forward in the first instance before any negotiations for Arbitration had been entered into, it would have put an end to the whole question, and have settled the matter. No one can say it is just for the Southern States, after being reunited to the North, to join with the North in an application to us to pay for damages done by them to the North.

THE DUKE OF RICHMOND: My Lords, after the able and exhaustive manner in which the subject of the Arbitration at Geneva has been dealt with by the noble Lords who have preceded me, I shall not allude to any of the points they have already adverted to. Before, however, I proceed with the few remarks I wish to make on the Speech from the Throne, I hope it will not be thought out of place if I say how very cordially I welcome the noble and learned Lord, and how rejoiced I am to perceive the Woolsack occupied by him on the present occasion. The noble and learned Lord will, doubtless, add lustre to our debates, and assist us in arriving at a right conclusion by the lucidity and clearness of his arguments. My only regret is that we unfortunately sit on opposite sides of the House. The noble and learned Lord, referring to the Arbitration at Geneva, has stated that in all these questions a spirit of compromise must prevail; but the truth is, that the spirit of compromise has prevailed; but it has been a spirit of compromise on one side only. I do not belong to that school of profound philosophy which the noble and learned Lord says has sprung up lately in this country; I think the Chancellor of the Exchequer may be regarded as a leading disciple of that school; and the right hon. Gentleman not long ago said he believed and hoped that there was an end of the Rules which guided the Arbitrators as soon as the Arbitration was concluded. I now proceed to the paragraph relating to the Treaty of Commerce with France. In the Royal Speech the new Treaty with the French Government is spoken of as "resting on a reciprocal and equal basis." I hope the Treaty may be satisfactory to this country; but, judging from such indications as have been afforded by the Chambers of Commerce, the Treaty is not likely to be so satisfactory to all classes as we were led to hope it might be from the Royal Speech at the close of last Session. My noble Friend the Secretary of State for Foreign Affairs went so fully into the Central Asian question that I do not propose to reopen it; but I venture to hope that the paragraph in the Royal Speech which deals with that question may be amended so as to express the hope that not only the object and the tenor, but also the result of the correspondence may be approved by the public opinion of both nations. Passing from these subjects, I come to a part of the Speech which has, I think, been too lightly touched upon by the noble Lords who have preceded me—I mean that part of it which refers to the domestic affairs of the country. But for the risk of appearing to be disrespectful to noble Lords opposite, I should demur to the English of the paragraph which says that the Estimates have been framed "with a view to the efficiency and moderation of our establishments." What is meant by "moderation?" It seems to me to be obscure unless it refers to frugality of expenditure. Does it imply any reduction of the Army? I regret that no mention is made in the Speech of the Army. The subject was considered so important at the close of last Session that a paragraph in the Queen's Speech was devoted to it:—

> "The Act for the Localization of the Army, while it strengthens the defensive system of the country, will lend an indispensable aid in effecting those important reforms which have been approved by Parliament."

It would have been interesting now to have been told whether any progress had been made in the reorganization of the Army, and whether any steps had been taken for welding into one harmonious whole the forces of the country. I should like to know whether there is at this moment a single depôt centre established in any part of this country. I do not believe there is one. We were told that on the abolition of purchase the Army was to become the army of the nation. I doubt very much whether we have succeeded in making it that. It is stated that during the last 12 months the number of desertions had been greater than at any former period, and the number of recaptures smaller—and this is attributed to the system of enlistment for general service, for short periods, without pensions, which has been adopted by the Government. Is dissatisfaction confined to the rank and file of the Army? It was said on the passing of the Bill for the abolition of purchase that the officers were not to be injured by it. But it appears from the public journals that the officers are extremely aggrieved by the operation of the Act, and that they have been told by His Royal Highness the Commander-in-Chief—of whom I would desire to speak in terms of the most respectful loyalty — that the course they were about to adopt in bringing their grievances before Parliament was not in accordance with the discipline of the Army. As was to be expected, they bowed at once to his decision. I hope and believe that if they leave their case in his hands they will receive justice, and I am certain, after the expression of his opinion, they will not persist in the course they proposed to take; but it seems to me that they are placed in an anomalous position. They have become officers of the army of the nation, they find their position worse than before, and they have no means of bringing their grievances before any tribunal whatever. If an officer feels that he is aggrieved by his commanding officer he can demand a court-martial; but these officers have no such resort—they can only appeal to the Commander-in-Chief—who no doubt will do them whatever justice it is in his power to afford. I now come to the important subject of University Education in Ireland. I cannot but think that the Government are rather sanguine in anticipating that their measure will be a settlement of the question, which I have always regarded as one of the most difficult that could be brought before Parliament, and I look forward with some dread to the mode of settlement to be adopted. I cannot forget that some years ago the Prime Minister, in Lancashire, spoke of three branches of the Upas-tree of Protestant ascendency in Ireland. One was the Church, the second was the land, and the third was education. Two of these branches have been cut off by the hands of the Prime Minister. The Church has been disestablished, the land to my mind has been confiscated; and we are now left to deal with the education question in a manner which I trust will be more satisfactory to Ireland than the other measures which we have passed seem to have been. The last paragraphs of the Speech are devoted to details of domestic legislation. In former times great questions used to be sifted and discussed throughout the country, and generally speaking when Parliament brought itself to deal with them the decision of Parliament was accepted by the country as a settlement of the question. But now a different state of things prevails. No sooner is a measure passed than agitation immediately ensues to get it repealed or amended. So great is the zeal of Her Majesty's Government for legislation that they have overwhelmed both Houses with measures upon every kind of important question, and in most cases when these measures have been passed they have become the subjects of agitation for their amendment. There is the Irish Church surplus with which you have still to deal, and then there is the Irish Land Bill. Last year we had complaints from the landlords of Ireland of the manner in which the Act was carried out, and a Committee sat to inquire into the question. An agitation upon the Land Act has now commenced in a different direction. The tenants are now complaining, and because the Duke of Leinster, one of the best landlords in the whole country, has offered certain leases to his tenantry, they say that the Irish Land Act is not satisfactory, and that it must be altered in the interest of the tenant. Then there is the Education Act. Not only is it threatened by the Education League, but Her Majesty states in Her Speech that there are certain provisions of the Act which will be brought before Parliament for amendment. Next there are the Licensing Act and the Public Health Act. The Licensing Act was brought into this House in a most exceptional manner. It is a remarkable fact that coincidently with the second reading in the other House of the Bill of the hon. Baronet the Member for Essex, the noble Earl opposite moved for leave to bring in his Bill.

THE EARL OF KIMBERLEY: The night before, I think.

THE DUKE OF RICHMOND: Well, the night before; but I then pointed out to the noble Earl that in his Bill not a single Act which he proposed to deal with had been put in the schedules. What has been the result? I find in a case of appeal against some decision in Lancashire that came before the Court of Queen's Bench a fortnight ago, the Lord Chief Justice, in describing the Licensing Act, said he considered it one of the very worst Bills that had ever come before him, and he did not believe the draughtsman who drew it knew what he meant. He considered it rather hard to have such an Act brought before the Court of Queen's Bench to interpret.

THE EARL OF KIMBERLEY: It was altered in the House of Commons.

THE DUKE OF RICHMOND: The House of Lords and the House of Commons make up the Legislature. The fact was, the Government were too hasty in the introduction of such measures, and did not allow sufficient time for consideration. The Licensing Bill was an extremely bad Bill; but I really believe the Public Health Bill was the very worst Bill that ever came before your Lordships. Under these circumstances, it would be fortunate if the Government would take due time in dealing with important questions; but I am afraid, from circumstances that have occurred out-of-doors, we are not likely this Session to have a more satisfactory state of things. It does not suit the wishes of some Members of the Government to adopt a more moderate line of policy. I wish to take this opportunity of protesting against the language which has been held out-of-doors by some Members of the Government on questions of the very greatest importance. I am going to quote the opinions of a gentleman who, no doubt, holds a subordinate position in the Government. I have the honour of that Gentleman's acquaintance, and I know him to be a very able man—Mr. Hibbert, the Secretary to the Poor Law Board. I say no Member of the Government has any right to make the statements this Gentleman has done, unless the Government are prepared to carry them out by bringing forward measures for that purpose. Mr. Hibbert, in addressing his constituents at Oldham, said—

> "Among the questions to be considered would be that of the assimilation of the borough and county franchise. It seemed perfectly absurd to think there should be such divisions between borough and county. He hoped there would soon be household suffrage in the counties. Another question that would have to be considered was the tenure of land. He thought some alteration in the law of primogeniture and the limiting of the law of entail was required, and on that point the people of the country must speak out. In face of the growing price of butcher's meat, they ought to have all facility for the utilization of the land, and this could not be because of the great difficulties of the law of land tenure. As far as he was concerned, he was prepared to support the principle of tenant-right, which would allow the tenant to be paid for any improvement which he made upon the farm. Until they got more equal laws, and the laws connected with land put upon a fairer basis, they could never hope to deal satisfactorily with the great question of pauperism. He should like to know what Conservative Government ever paid any of the National Debt? Strong feeling had been raised with respect to some of the clauses of the Education Act, and the 25th clause ought to be repealed. Among the questions which would be dealt with by the Government next Session were the Borough Registration and Local Taxation. They would also have the question of Irish higher education, and as far as he could gather he was led to believe that the measure would be such as to give satisfaction to the Liberal and Nonconformist party of this country. The Government would also deal with the question of alteration of the law of primogeniture. It seemed so contrary to the instincts of nature that he could not understand why the alteration sought was objected to. It was, perhaps, because the House of Lords was built upon this question of primogeniture. There was one question on which he was not at present with his constituents; they knew it was a question which grew, and though he might not be with them now, he might not be against them hereafter. He meant the question of separation of Church and State."

Mr. Hibbert was followed by a Member of the Cabinet, not at the same place, but a short time afterwards. The right hon. Gentleman gave expression to the most extraordinary doctrines. Mr. Goschen at Bristol on November 13, 1872, said—

"There are questions connected with the land with which we wish to deal. I have spoken of the charge of confiscation brought against our Irish policy. Well, we hear now that the farmers of England, a very Conservative body, somewhat like the idea of compensation for their unexhausted improvements. And it is by no means deemed confiscation that a tenant should be paid for the money he had invested in the land on leaving his tenancy. Well, there are many questions connected with the land in which, proceeding on old and sound principles, and by no means on any principle that would shake in the least the tenure of property, we consider that great progress can be made. We do not want to get the vote of a single elector under the idea that we are in any way hostile to the rights of property. Another question connected with the land which has attracted considerable interest is the enormous agglomeration of land in the hands of corporations, public institutions, and various other bodies. There are the laws of mortmain, on which, perhaps, the Attorney General can tell us something. But it appears to me that by some system of trustees or some legal arrangement I do not understand, it has been possible to drive a coach-and-four through every law of mortmain, and that result which they had hoped would never arrive had happened—viz. the agglomeration of immense quantities of land in the hands of corporations."

Now, I repeat such doctrines ought not to be propounded in the country by any gentleman holding the position of a Cabinet Minister, unless the Government be prepared to follow them up by reference in the Queen's Speech and by introducing measures on the subject; but when I find Cabinet Ministers making use of that language I am somewhat afraid, because, to my mind, there is but a very small step between land that is held by corporations and land that is held by private proprietors, and if we begin to meddle with one we shall not be long before we begin to meddle with the other. Unless this subject is to be brought before Parliament, it would have been far better for the First Lord of the Admiralty to have abstained from alluding to it. But I have another quotation to make—and it shall be the last I shall trouble your Lordships with —in which the most extraordinary views are expressed by another Cabinet Minister. A deputation waited on the Secretary of State for the Home Department on the 29th of November, and brought several subjects under his consideration—one of them being the high price of provisions. One of the members of the deputation, Mr. G. Murphy, said several millions of acres were kept out of cultivation for the preservation of game, and he added that half the land of the country was possessed by 150 persons. Another member of the deputation, Mr. S. Brighty, said that the stringent regulations now existing as to foreign cattle were not warranted by facts, and were kept up mainly for the protection of home growers. Mr. Howse, as a working tanner, said cattle disease was nothing like so general as had been represented. Wholesale destruction of cattle was made under the plea of their being diseased, and stringent regulations deterred the foreign grower from exporting to keep up prices. Mr. M'Ara said the game laws were for the pleasure of the few to the great injury of the body of the people. Mr. Baker referred to the coal question, and said the increase in the price of coal was not owing to increased wages or reduced hours, but to the monopoly of the coal owners. Men were suffering greatly, and might not remain quiet much longer. Government should look into it. What did Mr. Bruce say in answer to this deputation? Mr. Bruce, in reply, said—

"I have listened with much interest to the arguments so ably and temperately urged by those who have addressed me, and I also have much pleasure in stating that I more or less agree with all that has been said."

I come now to a deputation which called upon the Chancellor of the Exchequer with respect to the malt tax, and on this occasion the right hon. Gentleman made use of language of a character so extraordinary that I must call your Lordships' attention to it. I am not going into the question whether the malt tax ought to be repealed or not, whether, having free trade in corn, we ought not to have also free trade in malt, or whether the Chancellor of the Exchequer has got a surplus and could repeal the tax or not. On these questions I do not touch. But what I want to call attention to is the language made use of by the Chancellor of the Exchequer on the occasion to which I refer. The farmers having argued in favour of the repeal of the malt tax, the right hon. Gentleman said—

"It would be of no advantage to you if the malt tax were repealed. It is the landlord whom it would benefit. You would have to pay increased rent. I regret to see the landlords of the country doing now that which they did 30 years ago—namely, putting forward the farmers to fight the battles of the landlords, knowing as they do that the object for which they put the tenants forward will benefit, not the tenants, but themselves."

Now, I have the good fortune to belong to the class mentioned by the Chancellor of the Exchequer. I am proud to belong to the landlord class, and I repudiate in the strongest terms the imputations cast upon the landlords on that occasion by the Chancellor of the Exchequer; and if it was Parliamentary I would say that these imputations have no foundation in fact. Such statements made by a responsible Minister of the Crown not only disturb the minds of those who are interested in the preservation of order and the security of property, but they lead people out-of-doors to think that they can obtain almost anything, however extreme, from the Government if they only bring sufficient pressure to bear on them. In conclusion, my Lords, I will say this: I hope, that however much you may distrust the present system of legislation, you will continue to give a calm and statesmanlike consideration to every measure that may be brought before you, in the hope that though you may not altogether prevent you may be able in some degree to mitigate, the evils that must inevitably result from the restless policy of Her Majesty's Government.

Address *agreed to, Nemine Dissentiente,* and ordered to be presented to Her Majesty by the Lords with White Staves.

CHAIRMAN OF COMMITTEES.

The Lord Redesdale appointed, *nemine dissentiente,* to take the Chair in all Committees of this House for this Session.

Committee for Privileges — Appointed.

Sub-Committee for the Journals—Appointed.

Appeal Committee—Appointed.

House adjourned at Nine o'clock, till To-morrow, a quarter before Five o'clock.

HOUSE OF COMMONS,

Thursday, 6th February, 1873.

The House met at half after One of the clock.

Message to attend the Lords Commissioners:—

The Duke of Richmond

The House went;—and having returned;—

NEW WRITS DURING THE RECESS.

Mr. Speaker acquainted the House,—that he had issued Warrants for *New Writs, for* Preston, *v.* Sir Thomas George Fermer Hesketh, baronet, deceased; *for* Flint Borough, *v.* Sir John Hanmer, baronet, now Baron Hanmer, called up to the House of Peers; *for* Richmond, *v.* Right hon. Sir Roundell Palmer, knight, Chancellor of Great Britain; *for* Tiverton, *v.* Hon. George Denman, one of the Justices of Her Majesty's Court of Common Pleas; *for* Londonderry City, *v.* Right hon. Richard Dowse, one of the Barons of Her Majesty's Court of Exchequer in Ireland; *for* Cork City, *v.* John Francis Maguire, esquire, deceased; *for* Kincardine County, *v.* James Dyce Nicol, esquire, deceased; *for* Forfar County, *v.* Hon. Charles Carnegie, Inspector of Constabulary in Scotland; *for* Orkney and Shetland, *v.* Frederick Dundas, esquire, deceased; *for* Liverpool, *v.* Samuel Robert Graves, esquire, deceased.

NEW MEMBERS SWORN.

Right hon. Hugh Culling Eardley Childers, *for* Pontefract; John Holker, esquire, *for* Preston; Right hon. William Nathaniel Massey, *for* Tiverton; Sir Robert Alfred Cunliffe, baronet, *for* Flint Borough; James William Barclay, esquire, *for* Forfar County; Samuel Laing, esquire, *for* Orkney and Shetland; Sir George Balfour, *for* Kincardine; Charles Edward Lewis, esquire, *for* Londonderry City; Lawrence Dundas, esquire, *for* Richmond.

PRIVILEGES.

Ordered, That a Committee of Privileges be appointed.

OUTLAWRIES BILL.

Bill "for the more effectual preventing Clandestine Outlawries," read the first time; to be read a second time.

NEW WRITS.

For Armagh County, *v.* Sir William Verner, baronet, deceased; *for* Wigtonshire, *v.* Hon. Alan Plantagenet Stewart, commonly called Lord Garlies, called up to the House of Peers.

THE QUEEN'S SPEECH.

MR. SPEAKER *reported* Her Majesty's Speech, made by Her Chancellor, and read it to the House.

ADDRESS IN ANSWER TO HER MAJESTY'S MOST GRACIOUS SPEECH.

MR. LYTTELTON: Mr. Speaker—Sir, in rising to move that an humble Address be presented to Her Majesty in answer to Her gracious Speech, I have, in the first place—and I do so in no conventional spirit—to appeal to the House for its forbearance and indulgence. I do so with the more confidence because I believe the House will agree with me in thinking that Her Majesty, in her Royal Message this year, deals with subjects, some of them of more than ordinary importance, and others of more than ordinary delicacy or difficulty. With regard to that portion of Her Majesty's Speech which refers exclusively to Foreign Affairs, allusion is made to no less than five questions which have arisen between Her Majesty and Foreign Powers, and which have been, or now are, the subject of more or less anxious negotiation. Under these circumstances, I cannot but regard it as a matter for more than usual thankfulness that Her Majesty is able to declare that She maintains relations of friendship with foreign Powers all over the world. Of the questions to which I have alluded some have been already decided—and happily decided—and of others it is not too much to say that they have reached a stage which justifies our anticipating a speedy and favourable settlement. With regard to the slave trade at Zanzibar, we have been informed that Papers will be presented to the House; and, as negotiations are still in progress, I will only say that we have every reason to hope that a favourable and honourable settlement will be arrived at as to the slave trade in that part of the world. Those who are interested in that abominable traffic are, no doubt, well aware that this country, if on no other question, is in earnest upon this point, and that what the course of successive Governments has been in the past will continue to be the course of Her Majesty's Government, with the unanimous approval of the country.

Sir, the arbitrations with respect to the San Juan Boundary question and the Alabama Claims having come to a conclusion since the termination of last Session, these are now referred to in the Royal Speech. The country at large is, I believe, of opinion that Her Majesty's Government is entitled to great credit for the sustained efforts they have made to introduce the principle of arbitration into the settlement of international disputes. We have been told, indeed, that in all probability this principle will be one but of limited application, and that when nations are actuated by greed of territory, or by deep-seated international animosity, there will be no scope for its operation. This may be so: but in these particular instances of which I have been speaking, I think it may be said that the matters which have been submitted to arbitration were of no light or transient importance, relating to grievances which, having rankled for years, might have led, under different treatment, to the calamity of war. It cannot, therefore, be unreasonable to suppose that, so far, at all events, as concerns our relations with America, in the settlement of any future disputes the principle of arbitration will play a great and important part. In the arbitration on the question referred to him of the San Juan Boundary line, the Emperor of Germany decided against us; and whatever disappointment may be felt at that award, with regard to its good faith and technical accuracy no objection has been or can be taken. On the contrary, the House will echo the expression of thanks to the Emperor of Germany for the impartiality he has displayed in this matter. Objection has been taken since the event to the terms of the reference; but it must be remembered that these terms of reference were included in the very Treaty which received the express approval of the body most interested in the question, and most competent to form a judgment upon it—the Canadian Parliament. We have, too, good grounds for the belief, shared in by our North American fellow-subjects, that they will sustain no substantial injury from the decision which has been arrived at under the provisions of the Treaty. As the House is well aware, the Arbitration at Geneva ended in this country being held liable to the United States to the amount of more than £3,000,000 sterling. Notwithstanding this fact, the great majority of this House will probably be of opinion that Her Majesty's Government has merited, and will receive, the thanks of the country for the able manner in which they conducted this most difficult and arduous matter. Doubtless we have heard it objected in many quarters that in the course of the negotiations in reference to the American claims Her Majesty's Government exhibited an undue love of peace and an undue fear of war:—but, Sir, I would remind the House that the American Government, against whom no such taunt has been or can be levelled, emulated our Government, throughout the negotiations in their honourable and patriotic shrinking from the possibility of a fratricidal war.

Sir, the next subject of negotiation referred to in the Speech has reference to the Treaty of Commerce with France. That Treaty has still to be discussed in the French Assembly; but I think I may say that if any mischance happens to it during its progress, its failure cannot but be regarded by this country with regret. There is, no doubt, much that is false and retrograde according to our notions of fiscal policy, in the Treaty, and much that may affect oppressively and harshly the British manufacturer; but, on the other hand, it may well be urged that the high protective duties which form, in our opinion, the chief blot upon the Treaty, might and no doubt would be imposed by France upon our manufactures whether there was a treaty or no treaty in existence. It must also be remembered that the abolition of those vexatious differential dues on British shipping under the Treaty cannot be regarded otherwise than as a solid and substantial advantage to this country.

Sir, the last point on which I need touch with regard to Foreign Affairs is the subject of Central Asia. It is well known that the difficult question of the northern boundaries of Afghanistan has long occupied the attention of Her Majesty's Home and Indian Governments; and therefore we must hear with satisfaction that attempts are being made to set the question at rest by amicable negotiation, so far, at least, as that object can be attained by an identity of view between our own and the Russian Government. This country, I am convinced, would sanction no mere meddlesome interference with the inevitable advance of European civilization in the benighted countries of Central Asia, still less would it approve of an aggressive or annexing policy, or the making of a treaty or compact with any foreign country which would compromise or restrict our freedom of action. But, notwithstanding this, our course of duty is clear and will not be misinterpreted. It is as much our duty to preserve India from the false hopes and expectations and disturbing influences which would arise from the proximity of a great military nation to her frontiers, as it is to develop her internal prosperity; in fact, we cannot do the latter without the former, although we may reasonably hope the time will soon arrive when the prosperity and contentment arising from a course of good government will prove to be India's best and most efficient protection from the fears and alarms of foreign aggression.

Sir, I now pass to that part of Her Majesty's Speech which deals with home legislation; and I find that the first subject in point of order and importance is that of University Education in Ireland. The House is well acquainted with the Parliamentary history of this question, and I will not go further into that, especially as there are many other reasons, independent of Parliamentary pressure, which justify, or rather compel, the promised attempt of Her Majesty's Government to deal with the question in a final and comprehensive manner. The passing of the University Test Bill made it impossible to retain any longer University tests in Ireland, and the disestablishment of the Irish Church seriously modified the position of that great and time-honoured institution, Trinity College, Dublin. In the words of Dr. Smyth, of the Presbyterian Magee College—"Trinity College, having been deprived of the privilege of resting upon the Church, must now rest upon the nation." And, again, the Irish Universities do not attract to their walls or examinations the number of pupils which the population of the country, no less than their own wealth and character, would lead us to expect. No doubt the main reason for this state of things is to be found in the abstention from the benefits of University education of the great majority of the Roman Catholics of Ireland, who do not furnish one-twentieth of the number of students they might be expected to end as compared with the Protestants, if population alone were made the basis of our calculation. Allowance must be made, of course, for the preponderance of Protestants amongst the wealthiest class of the country—a preponderance, however, which does not extend to all the University-going classes of Ireland; but still the fact that Roman Catholic students are to Protestant students only as one to six must be deplored, and acknowledged to call urgently for a remedy. No doubt I shall be told that the disabilities under which the Roman Catholics of Ireland labour with regard to University education are self-imposed; I do not deny that; but I maintain that no Government can be called wise, just, or liberal which refuses to take account of principles—or perhaps prejudices—which have for centuries been inherent in the faith of three-fourths of the people which that Government is called upon to rule. I am convinced that by the advice of Her Majesty's Government no endowment will be attempted to any Roman Catholic University or College in Ireland; but we may confidently expect from the Government a removal of those disabilities which affect not only Roman Catholics, but many others, and, by a wise remodelling of the educational system where it seems to call for it, extend the sphere of University culture in Ireland.

No doubt the House has received with considerable satisfaction the announcement that the Government intend to bring in a Bill to establish a Supreme Court of Judicature, and remodel the whole of our present system and practice of appeal. The complexity of that system and its insufferable delays have long been a scandal, and the difficulty of its amendment has appeared to be insuperable:—if the necessary reform is effected by the promised measure, fresh lustre will be added to the reputation of the distinguished lawyer, so long an ornament of this House, upon whom has devolved the duty of introducing it in "another place." With this Bill will be introduced another, having for its object to facilitate the Transfer of Land. Whether it will, if successful, so far affect the present disposition of landed property as many imagine may well be doubted; but it may be hoped that it will be especially beneficial to those of the less opulent classes, whose dealings are chiefly in small parcels of land, and who at present are embarrassed by the difficulty of acquiring and investigating titles to land and the consequent delay and expense of its transfer. We are also promised a measure for the amendment of the Education Act of 1870. That measure will doubtless be one not contrary to the main principles of the Act, but tending to the development of principles already approved by this House and the country. There is no conceivable proposal on this subject that could be introduced into this House which would meet with unanimous approval from all sections; but it is only fair to anticipate that the measure of the Government will be an honest and complete attempt to solve the difficulties and amend the defects of the Education Act. If it fails—if it is not met in the spirit in which it will be introduced, there will be grave ground for apprehension as to the future of the cause of education in England. I have now noticed all the points relating to home legislation, with the exception of local taxation, and I shall not attempt to make any speculations as to the character of that Bill, especially as the subject in all its bearings is, as yet, far from being understood by the country at large. An exception should be made in favour of one section of the community, who, from their own point of view at all events, have thoroughly investigated and popularized the subject. Whatever may be the conclusion as to the claims or position of the agricultural or rural section of the ratepaying public, it cannot be denied that the thanks of the country are due to them for bringing under the strong light of publicity, the anomalous jurisdictions, the complex areas, the unjust incidence of burdens, and other evils which have so long disgraced our local system of taxation.

Sir, I have touched upon all the principal measures in Her Majesty's Speech. They are few; but they are in character of the utmost importance. I venture to say that if they are passed into law, the legislation of this Session will be a worthy continuation of that policy which has guided our administration for the last four Sessions, and to which, I venture to think, it is in a measure due that these last four years have been years of progress and prosperity not surpassed in our history. I have only now to thank the House for the attention they have given me, and to move the Address, which I trust will meet with the unanimous approval of the House. The hon. Gentleman concluded by moving—

"That an humble Address be presented to Her Majesty, to convey the thanks of this House for the Most Gracious Speech delivered by Her Command to both Houses of Parliament:

"Humbly to thank Her Majesty for greeting us on our re-assembling for the discharge of our duties, and to assure Her Majesty that we rejoice to hear that Her relations of friendship with Foreign Powers throughout the world are unimpaired:

"Humbly to thank Her Majesty for informing us of the steps which have been taken for dealing more effectually with the Slave Trade on the East Coast of Africa:

"Humbly to thank Her Majesty for informing us of the decisions which have been given by the German Emperor, and by the Tribunal of Arbitration at Geneva, with regard to the questions referred to them:

"To thank Her Majesty for informing us of the course which Her Majesty has been pleased to take, and the provision which Her Majesty will ask to be made, in consequence thereof; and to concur with Her Majesty in acknowledging the pains and care which have been bestowed by the German Emperor, and likewise by the Tribunal at Geneva, on the peaceful adjustment of those controversies which had arisen between Her Majesty's Government and the Government of the United States:

"To thank Her Majesty for informing us that a Treaty for the Extradition of Criminals has been concluded with the King of the Belgians:

"Humbly to thank Her Majesty for the information which Her Majesty has given us with regard to the communications which have been renewed with the Government of France for the purpose of concluding a Commercial Treaty to replace that of 1860:

"Humbly to thank Her Majesty for informing us of the Correspondence which has passed between the Governments of Russia and the United Kingdom respectively, of which the main object has been to arrive at an identity of view regarding the line which describes the northern frontier of the Dominions of Afghanistan, and to assure Her Majesty that we join with Her in trusting that its tenour, no less than its object, may be approved by the public opinion of both Nations:

"Humbly to thank Her Majesty for informing us that the Estimates of the coming Financial Year have been framed with a view to the efficiency and moderation of Her Majesty's Establishments under present circumstances; and that, although the harvest has been to some extent deficient, the condition of the Three Kingdoms with reference to Trade and Commerce, to the sufficiency of the Revenue for meeting the Public Charge, to the decrease of Pauperism, and to the relative amount of ordinary crime, may be pronounced generally satisfactory:

"Humbly to assure Her Majesty that we will give our earnest attention to the measure which will be submitted to us for settling the question of University Education in Ireland, as well as to the other proposals which will be laid before us:

"And to join with Her Majesty in trusting that the guidance and favour of Almighty God may attend our deliberations."

Mr. STONE, in rising to second the Address, said: Sir, the House has shown of late years an increasing disinclination on the opening night of a Session to enter upon any serious and detailed discussion of the various matters referred to in the Speech from the Throne; and the Speech which Her Majesty has caused to be delivered on this occasion is perhaps more than usually calculated to encourage that mode of procedure—because it refers to a great extent to matters with regard to which information is not yet fully before the House. I make that remark, not in any spirit of complaint, but as an additional plea for the extension to myself of that indulgence which this House always accords to those who have to discharge the difficult but honourable duty which has fallen upon me. The remark I have just made applies more especially to the paragraphs of the Speech which relate to Foreign Affairs. It would be most unbecoming in me, when Papers on these various subjects are promised by Her Majesty's Government to be laid before the House, were I to endeavour either by surmise, or by any information which I might happen to possess, to anticipate the statement which it will be the duty of the responsible Ministers of the Crown to make to the House on those various topics. There is one of these subjects, however, which I venture to think I may deal with more freely, and that is the question of the mission to Zanzibar. The state of affairs which has led to that mission is sufficiently within the knowledge of the House. One among the most glorious traditions of this country is that which makes it a duty—which I may almost say gives her a prescriptive right—wherever she meets with the evil of slavery in any part of the world, to deal with it as her own question. We have succeeded to a large extent in suppressing this evil on the West Coast of Africa. Perhaps I am going too far in saying that it is wholly due, but the diminution of this traffic is due, in great measure, to the exertions of this country. There can, however, be no doubt, that the same evil has sprung up on the opposite side of the continent, and nothing can be more lamentable than the accounts which explorers have given as to the state of the traffic on the East Coast, where the band of destruction is widening far into the interior. Most pathetic is the description given by Dr. Livingstone of the tribes which he found—apparently of a gentle and amiable disposition, well adapted for improvement and civilization, and which are in danger of being, if not depopulated, ruined and barbarised, by the few reckless and unprincipled men who follow in the track of discovery with this abominable trade. The evil is not one of small magnitude. It is estimated that not fewer than 20,000 slaves are annually exported from Zanzibar; and those who know best say that that represents at least 100,000 persons captured as slaves in the interior—four-fifths of whom consequently die from extreme suffering on their way to the coast. That is a sufficient cause for the intervention of England. But there is another cause for intervention. The Sultan of Zanzibar is bound by treaty to stop the traffic; yet he neglects to do so. Much has been said of late, which in my opinion is very foolish, about a change in the position of England in the scale of nations, and about her reluctance to undertake duties which she was formerly forward to assume. I do not agree with such an idea. I hold, as everyone must, that England is ready, when the interests of civilization and philanthropy really require it, and when her honour and dignity as a nation require it, to take any trouble and make any sacrifice to uphold both. The present mission may be a small matter, but it is one in which our country will take an opportunity of showing her principles; and the only wish of the public will be that, as Government has taken this work in hand, it will go through with it thoroughly, and will not allow any question of expense to interfere with the entire, effectual, and thorough suppression of the slave trade on the East Coast of Africa. I shall next say a few words on the Treaty with France—because I know there is a feeling among many persons that there is something unsatisfactory in that Treaty. It must be borne in mind that the treaty by which we have hitherto been bound has almost expired, and the question before the country is either to take the best treaty it can get, or to have no treaty at all. The disadvantage of having no treaty at all is, with commerce above everything, very great, as commerce is largely affected by uncertainty. If France requires money she must raise her duties, and we should be entirely at her mercy from year to year in the course she adopts for obtaining money, so long as we have no treaty. However much the terms of the Treaty may be disapproved of, it is better than having none at all. There is great delicacy in speaking on this subject, because the Treaty has not been yet ratified by the French Assembly; but if the French Government introduces any modifications into it adverse to this country, Her Majesty's Government will hold itself perfectly free to consider them. In the passage relating to the Estimates of the year I dare say hon. Members will miss a familiar phrase which I miss myself—a time-honoured phrase; but it has been so often misused that it is well it should disappear. I mean the word "economy." It has of late been the fashion to assume that the word "economy" is identical with "parsimony." There could not be a greater mistake than that. No one can wish that our establishments should be other than efficient, and the best path to cheapness is found on the way of efficiency. There may be another reason for omitting the phrase, and that may be the exceptional circumstances of the country. We are all quite familiar with the fact that certain commodities required by Government have risen largely in price. I think we should not be surprised if, owing to the increase in the price of materials and the cost of labour, we should find that the Estimates are increased in amount. All I can do is to express a hope that, considering the constituency I represent—Portsmouth—Her Majesty's Government have not lost sight of the rise of the cost of labour in a branch of industry carried on there. I hope it will be found, when the House come to consider the Vote for labour in the Dockyards, the Government have done what they can to secure the cheerful and efficient services of the people they employ. They can ill spare what they have hitherto had, but what they may not always obtain—I mean the services of able men; and, as it is impossible that the Government can shut their eyes to the necessity of making some concession to their labourers, so I am sure that neither the country nor the House will grudge the necessary expenditure. Sir, the next passage of the Speech refers to the condition of the country. It is a great satisfaction to learn that, in spite of some disturbances, the state of trade and commerce is generally satisfactory. Recent official Returns, now in the hands of Members, show that the enormous increase of our trade during the previous year has been fully maintained, and even exceeded, during the last year. The House will be glad to hear that there is also a steady decrease of pauperism. At the end of the year 1871 the decrease was 92,000, as compared with the previous year, which itself showed a decrease of 100,000, as compared with 1870. The number of paupers in England and Wales is now 835,000, a number much in excess of that we could wish to see; but if this decrease of 100,000 a-year could be continued for a few years, the amount of pauperism and the crime which accompanied it would become such as might be regarded with a measure of satisfaction. I shall now refer in a very few words to the programme of measures which the Government will introduce in the present year. No one has ever charged them with deficiency of courage. They have been always ready, when the necessity came, to grapple with the most difficult and complex questions, and they show the same courage in the measures which they have put in the forefront of the battle this Session. When we remember what difficulties the theological zeal of England has set in the path of every one who has endeavoured to deal with elementary education, we shall see that dealing with University Education in Ireland is likely to prove a very difficult matter. Experience tells us that theological disputes are not less luxuriantly developed by their transfer to the other side of the Channel. I cannot but think, therefore, there may be some touch of irony in the paragraph of the Royal Speech which tells us that the object of the measure to be introduced is the advancement of learning in that portion of Her Majesty's dominions, because the measure may give rise to debates in which that important consideration may be almost entirely lost sight of. If the advancement of learning be the object which Government has in view, there is sufficient reason for the introduction of this measure. As I understand the matter, Parliament has been engaged for some years past in various measures for the attainment of one great object—the weaving into one harmonious whole all our systems of education—elementary, secondary, and higher education; but hitherto the question of University Education in Ireland and in England has hardly assumed the importance which really belongs to it; and if anything could be done to put Ireland on a level with England it would be worthy of the attention of this House. The subject of education in Ireland leads naturally to that of education in England. It would be unsuitable now to touch even lightly upon the difficulties which are awaiting us on this question. But I am well aware that in the minds of many persons there is a reasonable disappointment with the results of the Education Act; and I fear that official Returns will confirm this feeling. Such a state of things should not lead to hurried legislation, nor is the right hon. Gentleman (Mr. W. E. Forster) a man to pull up his plant in order to see how it is growing. The providing of school accommodation is a simple matter; but the practical difficulty which now exists is—how to compel the regular attendance of children. I am told that the small school board of which I am chairman is the only such body in an agricultural district which has practically formed by-laws for compulsory attendance. This fact shows how little has yet been done; and I am sure that a measure for securing the regular attendance of children at schools will receive cordial support from all the friends of education. Of course the Government has a full right to arrange the order of its own measures. I may, however, express a hope that the debates on the subject of Irish Education will not be so prolonged as to prevent the House from entering upon and disposing of some of the other subjects referred to in the Speech. One of those subjects is most formidable. All must agree that our present system of local taxation is thoroughly unsatisfactory, and the decisive vote of the House last year undoubtedly meant that some change ought to be made. From the extreme complexity which arises from the great number of the areas of taxation, the variety of authorities, and the different kinds of rates levied, it almost seems as though the whole system of local taxation were devised so as to excite the utmost amount of dissatisfaction, and insure that the money raised should be the greatest possible burden. The time of this House would, therefore, be well spent in simplifying the system and in ascertaining how local burdens affect different classes. Doubtless many interests must be touched, and many difficult points must be adjusted; but I have never yet known the right hon. Gentleman at the head of the Government turn his back upon a question because of its difficulty and complexity, and therefore it is to be hoped that in the course of the Session the right hon. Gentleman will pass a comprehensive measure on the subject. If that result be accomplished, and the other topics touched upon in the Speech be satisfactorily dealt with, I think we shall have a satisfactory Session, and shall do a very good stroke of business. I now beg to second the Address, thanking the House for its indulgence and attention.

Motion made and Question proposed, "That," &c. [See *page* 63.]

MR. DISRAELI: Sir, Her Majesty's Speech from the Throne consists—omitting pure formalities—of 15 paragraphs; 10 of these are devoted to our external relations, five refer to our domestic politics. I do not know whether that is at all ominous of the class of subjects which are hereafter mainly to engage the attention of the House of Commons. If it means that the attention of the House of Commons is to be given more than it has been of late years to the consideration of our foreign relations, I shall not altogether regret it. I think it is as well that the House of Commons should remember that it has to perform the duties of a Senate as well as those of a Vestry. The warmest advocates of political parsimony may learn in recent transactions that some knowledge of foreign affairs and some attention to our external relations, may perhaps prevent a costliness of expenditure which they did not contemplate.

Sir, I propose, in the few observations that I shall make this evening, to reverse the order, or, rather, the arrangement of the Queen's Speech from the Throne, and to make, in the first place, one or two remarks on the paragraphs that refer to our domestic interests. I conclude, from the arrangement of the Speech, that the great measure of the Session will be that of Irish Education. I do so because it has a paragraph to itself; and I know from experience that that is very significant. The right hon. Gentleman has engaged in an enterprise of a noble character. He is about to bring in a measure which shall have for its object "the advancement of learning," and the advancement of learning by means which shall be consistent with the "rights of conscience." The "advancement of learning" and the "rights of conscience" are two very good things; perhaps the best. I have myself a reverence and respect for both; but I must say, from my own experience, that I have not found so easy, as the hon. Member who has just addressed us with so much ability seems to anticipate, the task of reconciling the "advancement of learning" with the claims of the "rights of conscience." I have never failed in meeting with warm support when I projected any measures for the "advancement of learning;" but there has always been received in a more chilly way any reference to the rights of conscience—while those who advocated those rights did not express that ardent sympathy which I could have desired for the advancement of learning. I trust, however, that the right hon. Gentleman will succeed in settling this difficult problem; but I shall be greatly mortified myself if the solution, after all, turns out only to be the sacrifice of a famous and learned University, in order to substitute for it the mechanical mediocrity of an Examining Board.

There is another paragraph—the last but one in the Speech, and it is the only one with reference to our domestic affairs which I shall find it necessary to notice to-night—which I confess fills me with some alarm. It would almost seem that this paragraph must have been drawn up by some individual who has digested with the greatest interest all that vagrant rhetoric that distinguishes the Recess. After Parliament is prorogued you know, Sir, we have several months not idle in respect to rhetoric. It is about that time that we have schemes brought forward by which the country is promised that every man shall be a landed proprietor without paying for it; schemes to settle the great question of local taxation, which generally end in the novelty of the expense being defrayed in Downing Street; schemes for relieving the House of Lords of its judicial functions, retaining, however, their political ones, but upon this condition—that they do not exercise them; schemes for the Government taking all the railways; and, I suppose, if it be necessary, working all the collieries. Sir, I have looked upon this rhetoric of the Recess myself in a different light from that which I think the individuals who have been consulted on the composition of this Speech have done. I look upon the Recess in this respect as a safety-valve. In a free country, with the right of petition and the right of holding public meetings, with even a halfpenny Press, and other blessings of that kind, where every town has a debating club, and where now every village has its agitator, I cannot conceive how it is possible to prevent a certain degree of nonsense from being uttered during the Recess. But I have always considered these projects very much as I would the autumnal foliage; and believed that as the year advanced, and Parliament met, and we came to real business, and have entered into a more vigorous and healthy atmosphere, we should give our attention to subjects which had at least the recommendation of the necessities of the country, and which might be brought about by sober and prudent legislation. But when I read this paragraph, in which so many and such various subjects are specifically mentioned, and so many more indirectly alluded to; and when I recollect what happened during the last hour, when Notices were given for 50 or 60 Bills upon the very first night of the Session, I confess that I do not look forward to the result of the present Session with the sanguine spirit that I did 24 hours ago. I think there is a prospect of a terrible July—that the moral atmosphere will be charged and sultry, and that instead of reforming our methods of effecting Public Business under the rule of the right hon. Gentleman—at least of dealing with one subject at a time—that we shall find even an exaggeration of those unfortunate circumstances that we have already experienced and deprecate, and that there is some prospect of hurry-skurry debates and helter-skelter legislation.

Sir, I would now, with the permission of the House, make some remarks upon the more considerable portion of Her Majesty's Speech—that part which refers to our foreign relations. Under ordinary circumstances, although the subjects are many and important, it would not be necessary for me to trespass upon the consideration of the House, because in almost every case Papers are promised; and it is convenient, I think, when Papers are promised to the House by the Government, to postpone any observations on the subjects with which they deal until the Papers are in the hands of Members. But, Sir, I must say that there are some points with reference to these subjects, and even with reference to those subjects on which Papers are promised, which seem to demand information immediately from Her Majesty's Ministers, and that we should not wait until there are placed before us Papers which will more adequately and completely answer the inquiries that we may urge than the Ministers themselves can offer in the places which they now occupy. And, first of all, I would call the attention of the House to the results of the proceedings before the Tribunal of Arbitration at Geneva. Now, Sir, I hold this as a rule. When any nation, and more especially a nation like England, refers a question to the arbitrament of a third Power, and the Award is made, nothing is left to us but to treat the Arbitrators with respect, and fulfil the Award with dignity; and, therefore, not a word will escape my lips that would criticise in any degree the conduct of the Sovereigns or the States who have joined in ose Awards upon the subjects which ave been referred to them by this country. But, notwithstanding that, I think I shall be able to show the House that is our duty not to pass over those wards to-night without notice, and that here are points on which we require nd must request information from the Government. When it was first announced to the world that the contentions that had long subsisted between e United Kingdom and the United tates, and which arose from the proceedings of the great TransAtlantic War, ere about to be referred to the arbitration of a third Power, there was considerable excitement and exultation mong a portion of the population of is country. It was supposed, and it as announced, that a new era was bout to be inaugurated in the conduct f our foreign affairs; that the golden ge was about to return; that the lion nd the lamb were indeed about to lie own together; that horrid war was to ease, and those armaments which occasioned us so much discussion were altogether to disappear. Great fame and lory were of course to be achieved by e Ministers—whoever they might be—ho could carry such a policy into effect. Now, Sir, I wish to say for the late Government that they do not lay any claim hatever to any share of the fame and he reputation associated with such a olicy. We do not shrink from our responsibility in taking the course which e did in recommending the referring f this question to arbitration. In doing o we thought we were only adopting sensible and not unusual course under he circumstances. We did not believe hat it was original or novel. We new that questions had been before eferred by this country to the arbitration of a third Power, and we believed hat the controverted claims between the United Kingdom and the United States vere exactly one of that class of questions which might successfully and satisfactorily be so referred. I think, as a eneral rule, that the class of questions hat can be referred to arbitration satisfactorily are exactly those matters which o not involve the question of peace or var. I can say myself most sincerely that , for one, never for a moment supposed hat the claims which arose from the ate American War would ever result in war between England and the United States. I can venture, without reserve, to say that that was the opinion of the eminent statesmen in the United States with whom we had communications. But we all believed that it was of great importance that those controverted Claims should be inquired into and settled, because we knew that professional politicians on the other side of the water—agitators on matters of this kind—would take advantage of those Claims being left open to excite the passions of the people in America, and in time, if they were neglected, create a chronic irritation; so that if a period arrived when it might be of the utmost import to the authorities of both nations to appeal to the generous sympathies and feelings of the population of both countries, instead of appealing with success, they would appeal to feelings of vindictive distrust; and therefore we thought that it was of high importance that those questions should be settled, and we were of opinion that arbitration was the mode by which they could be settled with satisfaction. For myself I have never concealed—and, therefore, I need not conceal it now—that I held that the result of that arbitration could not be injurious to this country. I stood on the case as I found it argued by my predecessors, and placed by that eminent statesman, Lord Russell. I stood on that case, and I myself have no hesitation in saying that it was the opinion of the American statesmen with whom we communicated that the result would not be very different from that which was contemplated by the English Government. Well, Sir, under these circumstances, when the present Ministry proposed a policy of arbitration, the proposition received from me a genuine support. When they proposed even to carry on that arbitration at Washington, I saw very good reasons for the course which they contemplated taking. It was a controverted course. I know one to whom I greatly defer in such matters —Lord Derby—who objected to it. But, on the other hand, I knew that Sir Henry Bulwer, whose loss this House has to deplore, was strongly of opinion that, if adequately represented, the interests of Great Britain could never suffer if the negotiations were conducted at Washington; that there were facilities for communicating with members of that all-powerful Assembly, the Senate, which could not be enjoyed in this country; and that there were other advantages which no prudent Minister would neglect. Well, under these circumstances we heard of the negotiation of the Treaty, and at the same time we heard of the three new Rules which Her Majesty's Ministers had introduced, and by which they gave a retrospective character to the negotiations. The House may recollect—if, indeed, they deign to recollect such things—that I took the earliest opportunity of protesting against those three Rules. I saw in them the probable cause of great inconvenience, of great disappointment, and the possibility of results accruing very different from those which were contemplated from the arbitration proposed by the late Administration. But I had to consider the difficult position in which the country was placed with regard to this negotiation. At that time the Treaty was virtually concluded, which alone would make one pause before one originated discussions which could but create acrimonious feelings across the Atlantic. But besides that, there was the possibility, and more than the possibility, that the interpretation which was at the same time announced by Her Majesty's Ministers would be accepted, or probably had been accepted, by the United States of America; and I am bound to say that if that interpretation had been established, the consequences—the evil consequences—of the Treaty would have been comparatively innocuous. You must remember that on the very night when the negotiation of the Treaty was announced in the other House of Parliament, Lord Ripon, the Chief Commissioner in that negotiation, declared to the House of Lords that the new Rules which had been communicated only expressed the ruling policy of the Government of Lord Palmerston. And so, also, Sir Roundell Palmer, in that highly important post which he occupied as the counsel of his Sovereign and his country, stated in the most decided manner that those three Rules aimed at nothing more, and could accomplish nothing more, than what the Cabinet of Lord Palmerston had undertaken to achieve. Therefore there can be no doubt as to the interpretation which was placed upon those three Rules by Her Majesty's Ministers, for we are now all aware of what the policy of Lord Palmerston on that subject was. But if I had not been aware of the policy of Lord Palmerston on this matter, I should have felt almost an equal confidence, because I am convinced that Lord Palmerston was a statesman who never would have committed this country to an engagement of ambiguity and peril. Now, Sir, that being the case, I regret to find that the interpretation which Her Majesty's Government placed upon those Rules is not the interpretation which has been placed upon them by the Tribunal of Geneva. We know the interpretation that was placed upon the Rules by Her Majesty's Government. It is a subject upon which there can be no doubt, because Sir Roundell Palmer—and I regret his absence at this moment—I regret the loss which at least the House of Commons has experienced in his quitting us—one of the greatest lights that ever shone in our debates—but Sir Roundell Palmer, in his commanding position as counsel of his Sovereign and his country, has defined what was the construction which Her Majesty's Government put upon those Rules. He has told us that what we mean and what we meant by those Rules was that the Executive could avail itself of all powers which the municipal law of the country invested it with, and could act upon those powers, and no more. "And no more" were the words of Sir Roundell Palmer; and he went on to lay down also another proposition which those Rules were intended by the British Government to express—namely, that the Executive of the neutral Power was not bound to take the initiative, was not bound to search and to inquire, but only to wait for such information as might be placed before it. Such was the construction—expressed by their consummate advocate—which Her Majesty's Government placed upon those three important Rules. Now, I will show the House that the Tribunal of Geneva has on three cardinal points placed a totally different—I would say a totally contrary—construction on the Rules from that which was placed upon them by Her Majesty's Government.

The first cardinal point on which this difference arises between the interpretation of Her Majesty's Government and that of the Tribunal of Geneva has reference to the celebrated undertaking with regard to due diligence. By the Rule which we introduced we are bound to observe due diligence in preventing the building and equipment of ships, &c., which might afterwards be used against a belligerent Power. We know from the mouth of the counsel for this country what interpretation was placed upon that Rule by Her Majesty's Government. We know that in making the Rule we only, according to our belief, engaged that we would exercise those powers which the municipal law of the country invested the Government with, and which the latest municipal law of 1870 on these subjects—namely, the Foreign Enlistment Act of 1870, specifically alluded to. Now, the Tribunal of Geneva has come to a totally different conclusion upon that point. It has announced that "due diligence" means such diligence as would prevent the evil complained of, and the House will at once see what must be the inevitable consequence of such a rule—namely, that a neutral power must absolutely guarantee that none of its subjects should build or equip any ship which at any time may act against a belligerent at peace with itself.

There is another cardinal point, and one of not less importance, to which I must call attention. By one of these new Rules, acting in harmony with international law, and with the latest municipal law of this country, it is, or in our opinion was, provided that we should not be bound to seize any vessel that had been commissioned by either of the belligerents, and had thereby become a national ship. Our holding was this—that if any vessel violated the laws of neutrality, and was afterwards found in our jurisdiction, commissioned by a belligerent, and in the character of a national ship, we were not bound to make, and could not, indeed, make, a seizure of that ship. The House will see the importance of this law—the law of nations and the municipal law of England—because, otherwise, if we attempted to seize a ship under those circumstances, commissioned by a belligerent, we were committing an act of hostility against the belligerent, and might ourselves soon be involved in war with him. Now, what is the judgment upon this point of the Tribunal of Geneva?—which I do not question; I am not criticizing it; I am only calling the attention of the House to the complications of these new Rules, occasioned by the various constructions put upon them by Her Majesty's Government and the Tribunal of Geneva. The Tribunal has decided in an unequivocal manner that it is the duty of a neutral to seize a ship commissioned by a belligerent.

There is a third and, I think, a cardinal point in which a difference exists between the construction of these Rules by Her Majesty's Ministers and that placed upon them by the Tribunal. It refers to the case of a belligerent obtaining fuel in neutral waters—a process which it is convenient to describe by the somewhat more barbarous expression of "coaling." Now, it was always held to be legal that a belligerent might coal in neutral waters. That was the understood law upon the point; and it was the interpretation placed on the third Rule by Her Majesty's Ministers. There was probably during the whole war no power which used that privilege so much *ad libitum* as the United States of America. Her Majesty's Ministers construct a Rule that neutral waters shall not be the basis hereafter of hostile operations, with a clear understanding, in their own minds, that coaling in neutral waters was to remain legal; but the Geneva Tribunal has come to a different conclusion. It is laid down that even coaling in neutral waters may be a violation of neutrality, and we must take the consequences. I have placed before the House to-night three cardinal points in which the Tribunal of Geneva has placed upon the new Rules of Her Majesty's Ministers a construction very different, and in some cases absolutely contrary, from that which has been placed upon them by Her Majesty's Government. And now I want to know from Her Majesty's Government what is the course they mean to take in this respect. The House will remember that this country is bound by the Treaty of Washington to make these new Rules of Her Majesty's Ministers known to other countries, and to urge them upon them for their acceptance and adoption. Have Her Majesty's Ministers as yet made known these Rules, or are they making them known to other countries? Are they urging them upon other countries for their acceptance and adoption; and, if they be doing so, what is the interpretation which they are placing before these other countries by which these Rules are to be acted upon? Is it the interpretation of Her Majesty's Ministers, or is it the construction of the Tribunal of Geneva? I would also ask the right hon. Gentleman to-night what is the view which Her Majesty's Ministers place upon the construction of the Tribunal of Geneva? Is their view with respect to the construction of the Tribunal of Geneva that which has been recently expressed by one of their principal Members, the Chancellor of the Exchequer, who, in that cordial and conciliatory tone which distinguishes him, said in one of his Recess speeches that his view of the construction of the Tribunal and of the Rules themselves was that hereafter they will be binding upon no man? Let me point out the practical consequences of that.

THE CHANCELLOR OF THE EXCHEQUER: One moment. I am sure the right hon. Gentleman does not wish to misrepresent me. What I said was, that what was laid down by the Tribunal was not binding. I certainly said that the Rules we had agreed to were binding.

MR. DISRAELI: I made a note at the time. I do not, of course, place it in opposition to the right hon. Gentletleman's statement; but I wish to show that I did not make the quotation loosely. The words I took down were, that in the opinion of the right hon. Gentleman this construction — the construction of the Court of Arbitrators — "binds no one hereafter." [The CHANCELLOR of the EXCHEQUER: Just so.] Well, then, what is the consequence? The consequence is, if it binds no one hereafter, that we are to pay according to the American construction; but that if we afterwards have a claim on America, they are to pay according to the English version. There is yet another very important consideration resulting from these transactions before the Tribunal which, on the first night of the Session, it is my duty to place before the House, and one upon which I think we require information from Her Majesty's Government. These are not questions on which the public anxiety can be satisfied by a promise of hereafter giving us Papers. They are vast questions—they are urgent questions; they involve the highest interests and the very honour of the country. Let me ask the consideration of the House to the manner in which treaties are negotiated by the Government of England. I am the last man who would for a moment impugn the Prerogative of the Crown, speaking generally, with regard to treaties. I should regard that Prerogative with tenderness and respect under all circumstances, and the Prerogative which leaves to Her Majesty the power of making peace or declaring war I believe to be a Prerogative which has acted most advantageously for this country, and to be one that is essential to good government. The Prerogative of the Crown, however, must, like everything else, be occasionally considered with reference to the changed circumstances of the time, and to the complicated relations which now subsist between different countries. As long as our foreign relations mainly consisted in making war and peace, rude, though important matters, it was not perhaps necessary for Parliament to consider the course they might take; but when you come to treaties which establish rules of arbitration and create public law, the House will see that there are grounds for believing that such treaties should not be concluded without an appeal to Parliament. I will put the present case in its true light before the House; at least, what I believe to be its true light. What could be more to be deprecated, for example, than that it should be in the power of a Minister to force a neutral country to change its municipal law? Yet that is about to happen and must happen in this country in consequence of the Treaty of Washington. Your municipal law must be re-constructed; it must be modified; it must be expanded, to work with the interpretation placed upon your Rules by the Tribunal of Geneva. And you, therefore, a free Parliament, are absolutely forced to change your municipal law, because your Ministers have made a treaty which renders that course absolutely necessary. I say it is absolutely necessary if the interpretation of the Tribunal of Geneva is to hold; if it is at this moment regulating public affairs; if it is introduced to the notice of other nations by Her Majesty's Government, and recommended to their adoption. Why, the President of the Tribunal of Geneva was perfectly aware of this. Count Sclopis distinctly says to England —"You must change your municipal law; you have placed these points before us, we have given our decision; our decision is contrary to your municipal law, and all that is left for you to do is to alter it." I say it is not a proper position for a country like England to be placed in—that it may be in the power of a Minister, by negotiating a treaty of this kind, to force a Parliament to change its municipal law. I hope there is nothing revolutionary in the suggestion I have thrown out, because we have, I am glad to say, a very efficient precedent to guide us. Take the question of Extradition Treaties. Her Majesty's Government cannot conclude an Extradition Treaty without an Act of Parliament; and for the very same reason, under circumstances almost analogous, where you are entering into a treaty which creates rules of arbitration and lays down principles of public law, Her Majesty ought equally to be advised to consult her estates of the realm.

Sir, I have made these remarks respecting the reference to Geneva, because it appears to me that the questions I have addressed to Her Majesty's Ministers on this subject are questions of an urgent character, which do not wait, and the House of Commons would not be doing its duty if it were to postpone that inquiry for a moment. I have made no reflection whatever, and I mean no reflection whatever, on the conduct of the Tribunal of Geneva. I have no doubt they did their duty completely, cordially, and fully. I am not here to question at this moment even the policy or the propriety of their decisions. I do not now for a moment question them. But I say this—that your municipal law does not agree now with the public law which, according to your engagement under the Treaty of Washington, is about to regulate the civilized world; and that we require from Her Majesty's Government a full and candid explanation upon these points, and as to the course they intend to pursue in a matter in which the highest interests of the country are concerned.

Having trespassed so long upon the attention of the House, and so unexpectedly, at a time when I am not particularly inclined to weary them, I would say little upon the other important matters. I will not touch upon the French Treaty, because I should be glad if, when the Papers are placed before us, I find that those statements which have obtained currency have no foundation. At present I must say that I look upon that subject with less confidence than I could wish. I had hoped that the interests of the manufacturers of England had not been sacrificed; and I trust that the right hon. Gentleman, when he addresses us upon the matter on the subsequent occasion, when the Papers are in our hands, will be able to prove to us that the course which Her Majesty's Government has taken with respect to the French Treaty has been distinguished by discretion, and necessary from the state of affairs. At present I think it is a matter perplexing and ambiguous; and all that I shall do to-night is, to express my hope that the important interests of this country have not been needlessly sacrificed.

I am not inclined, Sir, to make many observations upon the important announcement in Her Majesty's Speech with regard to the relations between Russia and England. But so much has been said upon that subject, and it is one upon which such misapprehension exists, one also upon which it is so important that we should take calm and unimpassioned views, that I would for a very few moments detain the House while I place before them not my views merely, but the views of those with whom I act, because we have no wish to be misunderstood upon a question which most deeply interests the feelings of the people of England. It is possible, Sir, that in these remarks I may repeat what I have said before, because I remember that two years ago, when the Treaty of Paris was in question, I had to address the House on the subject. But even at the risk of repetition I will venture to make them, because it is of the utmost importance that the views of public men, and especially of powerful parties, should be distinctly known, and not be misrepresented in such matters. Sir, we do not look with any jealousy on the natural development of the Russian Empire. Russia is an inland country of immense size, with a very sparse population, producing illimitable supplies of human food and raw materials of inestimable price. It follows from such a natural combination of affairs that Russia must force her way to those waters which can alone allow her to communicate with the rest of the world, carry food to their population, and raw materials to their manufactures; and the policy of Russia, as it has proceeded now for two centuries, so far as it has been a systematic attempt to obtain this access to the waters of the world—is a natural and inevitable policy, and one which, I believe, cannot and ought not to be successfully resisted. Its development has occasioned many political circumstances, which some of us may deplore. It has cost gallant Sweden some of its provinces; it has cost the Empire of Turkey many of its provinces. But so far as the policy of Russia has been confined to this necessary and, as I maintain, inevitable development, England should view it without jealousy and without fear. But if the policy of Russia takes a different character—if it attempts to do that which its natural development does not require—if it wants to seize upon Constantinople, or to conquer India—the conduct of Russia must be distinguished from her conduct when she follows her natural policy; and Russia must not be surprised that it excites the jealousy and the distrust, as it will undoubtedly provoke the resistance, of Europe. The attempt to appropriate Constantinople is a freak of ambition, and not a natural development of a natural policy. The idea of conquering India is a distempered dream. Therefore do not let it be said on the one side that we are prejudiced against Russia, or on the other hand that we do not view her proceedings with the vigilance they deserve. What I wish to insist upon, and the policy which we will uphold, is that the moment Russia takes a course different from and inconsistent with its natural development, it embarks upon a course which must create distrust, and must, in all probability, meet with resistance. The House must recollect that these questions between Russia and England are not questions that can be be settled by arbitration. They are questions in which power is involved; and power can only be met by power. Questions of this kind can only be settled by force. I do not mean, necessarily, by war. I mean by diplomacy or war; because, in my opinion, diplomacy is force without violence. So far as I can form an opinion—as long, at least, as I have been in public life, and taking even a much longer range—there never have been disturbed relations between Russia and England which might not have been prevented, which might not have been settled by an able and adequate diplomacy. I was always of opinion, and I now know from documents which are in my possession, that the Crimean War need never have occurred if the first intentions of Russia had been met with that clearness of diplomacy which a knowledge of affairs and a determined spirit would have counselled. That war was a necessary war when it became a war of invasion and aggression on the part of Russia. The moment that Russia crossed the Pruth war was inevitable. But that passage of the Pruth need never have occurred. Sir, I know not what are the communications that are to be made to us by Her Majesty's Ministers on this subject. We shall have the Papers, I suppose, very soon in our hands. I am disappointed that they were not brought up to-night. It appears to me, considering the subject, and the great interest in the public mind upon it, that they could not be produced too soon. There are some expressions in the Speech with regard to them as seem to imply that we are on the point of arranging a frontier with Russia, which I confess fill me with considerable alarm. But I entirely avoid any argument upon that matter to-night. It is not fair to the House, and it is not fair to the Government; and I only make the observation to show that, so far as we are concerned, we are anxious to have the Papers in our hands as soon as possible. I am obliged to the House for having listened to me with patience when I was not in a condition to address them in the manner I could have desired. I will merely say, in conclusion—to quote the language of the last paragraph of the Royal Speech —I mean that which commends our deliberations to the guidance and favour of the Almighty—I heartily echo that sentiment, for I believe that we never required that guidance and that favour more than we do at the present moment.

Mr. HORSMAN: Sir, I hope the House will excuse me for venturing to disturb for a moment that routine which so frequently makes a discussion on the Address a formal passage-at-arms between the two party Leaders. Though various subjects of domestic interest are mentioned in the Speech from the Throne, yet the questions relating to foreign affairs are those which excite the greatest interest—for they involve the momentous alternatives of peace or war, before which all other questions sink into insignificance. We all know that questions connected with foreign affairs run into one another. The manner in which one question is settled diminishes or increases the difficulties of the next, and the experience which foreign Powers have of our diplomacy becomes the measure of their respect. For these reasons the allusions in Her Majesty's Speech to the recent diplomatic transactions with America and Russia, possess for us, from their bearing on the future, a special and growing interest. As to Russia, we are told that Papers will shortly be laid on the Table, and we wait, not without some anxiety, to see them before expressing an opinion. But as to America our information is more full. Her Majesty informs us that our differences with America have been settled; that they have been settled by arbitration; that the arbitration has in both cases been unfavourable to England, and that amicable relations are now established. And we are invited to vote an Address to Her Majesty, assuring her that we share her gratification at the last result she has communicated. Now, we all listened with an attention that was well repaid to the thoughtful and practical speeches of the Mover and Seconder of the Address; but before we commit ourselves to all that we were invited to by the sentiments they expressed and the conclusions they drew, it may be desirable to have some explanations among ourselves, in order that the foreign policy of England, and the principles on which it is conducted, should be made known and understood clearly and unmistakably by ourselves and the world. And the manner in which Her Majesty brings the subject under our notice to-night releases us from that false position in which the House of Commons is so apt to find itself placed on questions of foreign policy. While the diplomatists are busy we are told that discussion would be prejudicial to the public interest; when negotiations are at an end we are told that discussion would be idle on accomplished facts. Pending negotiations the time is too soon; at the close of negotiations it is too late. And thus it almost invariably happens that Parliament, silenced and shut out, is compelled to abdicate its highest function, and questions of world-wide interest, that have kept us on the rack for months, are shuffled by with as little notice—sometimes even with less—than a trumpery Bill for improving the sewerage of a provincial town. We all rejoice that our differences with America have been settled. We all appreciate the value, the incalculable value, of friendship with America. We acknowledge the frankness, straightforwardness, and fairness with which the American Commissioners conducted themselves before the Arbitrators at Geneva. We acknowledge, also, the impartiality and pains with which the Arbitrators discharged their duty. Having submitted our case to Arbitration, we have shown ourselves anxious and determined honourably and promptly to pay the award, and we accept loyally and entirely the settlement which has been made. So far, therefore, as regards the past—so far as those proceedings do not compel us to take thought for the future, there can be no motive or inclination on the part of anyone to go back to a discussion of transactions which are now closed. But, in so far as those proceedings of the past do bear directly on the future, and may be expected, as we were told to-night, to influence the future, their interest is not abated, but increasing, and we are to-night brought face to face by the reference to them in the Royal Speech—with an important and vital question which we have neither the right nor the power to evade. We unanimously accept the settlement which is announced to us from the Throne; but in what sense do we accept it? Do we accept it as a happy deliverance from a fog of difficulties which the present Ministry inherited, but did not create; difficulties which had been so aggravated by delay that when it fell to their lot to deal with them the situation had become so complicated and so grave as to necessitate a departure from the ordinary rules of international procedure, and justify concessions and sacrifices which could only be justified because the circumstances were so exceptional? Is that the limited and restricted sense in which we accept this settlement, or are we to go further and accept it in accordance with the views of the Mover of the Address, as a settlement which, notwithstanding some unfortunate drawbacks, is to be regarded as being on the whole advantageous and honourable to

England—as inaugurating a new and benevolent spirit in diplomacy and an exalted policy, and a truly efficacious mode of lasting peace and brotherhood with America, and which is to be made the rule and measure of our future dealings with her in any fresh difficulties which may arise? I apprehend there is no man of common sense in the country who has given five minutes' thought to the subject who does not see that fresh difficulties must arise and are inseparable from the situation. With the old Governments of the world our causes of difference may be chiefly of a political character, and few and far between. There is at this moment one impending with that same Power with which we were at war not 20 years ago. But with America our occasions of difficulty must be of frequent occurrence. We come into contact with America every day. We jostle one another at every point. Territorial jealousies, commercial rivalries, boundary disputes on land, fishery disputes at sea, the over-zeal of a hot-headed military commander, a filibustering expedition on the eve of a Presidential election—these, and a thousand other accidents, may at any moment, without the fault of either Government, embroil the two nations and create new cases for arbitration. That being so, the question becomes important—what is to be our rule of conduct in the future, and how far is it mapped out for us and predetermined by the acts which we are ratifying to-night in voting for this Address? Therefore, though we accept the past acts of our Government without challenge, and pay the Award without a murmur, we cannot shut our eyes to the fact—and it would be weak and culpable in us to attempt to shut our eyes to the fact—that this settlement, on which we are congratulated to-night, has been purchased on the part of England by concessions and sacrifices absolutely unparalleled in the history of nations professing to treat on equal and independent terms. If the House will give me its attention for a few moments, I will endeavour to disembarrass this point from some of the mist and confusion in which some speakers of great authority have lately attempted to envelope it. I will ask the House to examine with me, and comprehend and realize the actual situation. It is well known that three successive Secretaries of State either refused or failed to bring the *Alabama* question to arbitration. But in 1871, the present Cabinet, with the entire concurrence and support of their opponents, and with the approval of the country, made a fresh offer of arbitration, and a Joint Commission was appointed to carry it into effect. The Americans, however, insisted on certain preliminary conditions—and when I say they "insisted," I do not mean to imply a shadow of complaint against them on that account, but merely to state facts which the Americans themselves have published and made historic. The first condition insisted upon by America was that the Joint Commission should hold its sittings at Washington. To that the present Government consented, as their predecessors had done before them. They in the next place insisted that England should make an apology for the escape of the *Alabama*. Now, every successive Ministry, with the entire concurrence of Parliament and of the country, had consistently maintained that England had done nothing which required either reparation or apology. The present Government at the outset showed as bold a face as any in repudiating the offence, and made for a long time a very wry face at the apology. But the Americans insisted. Our Commissioners referred home for instructions, and the apology was made. The Americans next insisted that certain new rules of law should be agreed on to guide the judgment of the Arbitrators. To this, again, the English Commissioners demurred; they proposed that the arbitration should be on facts—on proved and acknowledged facts—to be judged of by well-established principles of law. But the Americans did not argue the question—they presented their *ultimatum*. Again our Commissioners referred home for instructions, and again they were instructed to concede the point. But the Americans required something more than that—they required that these new Rules should have a retrospective application, and that England should consent to be tried for acts done in 1862 by a new law which made them illegal in 1872. That point also was conceded, and then the Americans, having gained step by step every point they raised—having gained the sitting of the Commission at Washington, the apology, the acceptance of the new Rules and their retrospective application—went before the Arbitrators and won the Award. And when we add that the British Government had put in a claim for compensation for the Fenian raids on Canada which was abandoned, and that the Canadian Fisheries were made over to America, for which Parliament has to provide compensation to Canada on the security of the British taxpayer, we arrive at a proximate idea of the sum total of English losses and American gains by the Alabama Treaty and Arbitration. I say nothing at present with respect to the San Juan Boundary arbitration, and the loss of territory it involved, as that is another and different question. I recall these facts. I have not said one word to reflect on the American Government, nor one word to impugn the good intentions of our own; but did I use too strong a term when I said that these concessions were unexampled in the transactions of equal States? I have not said that they were uncalled for; they may have been necessary and wise, and right and statesmanlike; as to all that we are as yet in the dark. Her Majesty's Government last year were very reticent in their speeches, and they were, if possible, even more reticent in the Papers they presented; but that is the greater reason why we should ask ourselves to-night, both for our own information and for the information of the world, what was the necessity and what have been the permanent advantages which we have secured by all these one-sided concessions, which, if unexplained to-night, may rise up to embarrass us in the future. We may be told that a policy is to be judged of by its consequences, and that the consequences of this policy are as yet in the womb of time, and time only can develope them. But I trust we shall have a better answer than that, because what is all statesmanship but a perception of consequences? And the consequences of these concessions may be judged of by a very simple and easy test, and an infallible one, and that is by their effect on the American mind. What construction do the Americans put upon our concessions? Answer me that, and you have told the future. Do the Americans ascribe our concessions to magnanimity or to fear? If ever there was a people whose public opinion was to be taken from its Press it is the American people; and what does the American Press say about these concessions? Does it appreciate, does it admire our magnanimity? I am afraid that all the admiration of the American Press has been bestowed on that speech which the hon. Member for Shaftesbury (Mr. Glyn) made to his constituents, in which he asked indignantly—Was it not worth while for England to pay £3,500,000 to avoid war with America? I believe that speech has gained for the Member for Shaftesbury a European reputation. The House must recollect that it is not as if that speech had been made by an ordinary irresponsible Member of this House. From the opposite side of the House the hon. Gentleman may appear to be nothing more than an individual Member of Parliament and a political unit; but on our side he is regarded as a representative man—he constitutes an interesting link between the Liberal party and Her Majesty's Government. He flourishes the whip over the one, and is said sometimes to blow the trumpet for the other. And we cannot be surprised at the Americans, knowing the position that he holds, believing that they saw in him an embodiment of the spirit and sentiments of the Liberal party in England. And as they are an acute and logical people we cannot wonder if they went on to argue that if national spirit were so dead in England as to make it worth while to pay £3,500,000 to avoid war in 1872, then with increasing riches increasing our debasement, it would be equally worth while to pay £13,000,000 or £30,000,000 to avoid war in 1882; and if we feel no shame in ceding a portion of Canadian territory to avoid war to-day, we should feel still less shame in ceding the whole of Canada to-morrow. And who can tell where this degrading and suicidal policy is to stop, or whether it can ever stop at all. But the Mover of the Address told us that we had gained something more—that we had gained arbitration—that the great principle of arbitration had been introduced; and he added, speaking with more moderation than others, partially established. Ever since the Geneva Arbitration our attention has been sedulously diverted from the misfortunes of the Award to the blessings of arbitration. All the changes have been rung upon it. Ministerial speakers and writers have each in their way contributed to swell the chorus. "True," they say, "we have sustained a disappointment, but it was only temporary, and some loss, but it was very trifling; but, on the other hand, see how we have been compensated, and more than compensated, for it! Have we not, as a nation, cause to be proud and thankful that through us the great principle of arbitration has been acknowledged and acted on, and triumphantly established?" If that really were so—if we could really see or believe that any sure or sensible progress had been made towards saving mankind from the calamities which will be averted by a general substitution of arbitration for war, then I should say that not £3,000,000, nor £30,000,000, nor £300,000,000 were a sufficient price for so blessed a consummation. But have we made any such progress? Have we shown to the world a successful example of arbitration? What is arbitration? I can well understand that when two great nations, having a cause of strife which in other times could only have been determined by the sword, agree to submit their cause of contention to peaceful arbitrament, each side seeking what is its right, asking no more and content with no less, and the whole strength of each case set forth in facts to be judged of by well-established principles of international law—I say I can well understand such a submission as that to a free and unfettered tribunal, being watched with interest by other nations, as a great stride in the march of civilization, and one to be admired and imitated. Sir, that would be arbitration. But when the so-called Court of Arbitration is not permitted to have before it the real facts, or to apply the real law, when new principles are extemporized for the occasion, new rules concocted, new liabilities created, and when this string of novelties, which first saw the light in 1872, is by a fiction declared to be the law in 1862, and when the Arbitrators are restricted and tied down to found their judgment on a law not so old as the Court that has been created to expound it—a new law specially devised by the one party to ensure the conviction of the other, then that is not arbitration, but a mockery of arbitration; it is prostration, humiliation, deception, surrender; and it behoves the House to be awake and vigilant, lest under the Court of Arbitration we are made the dupes and instruments of that policy of peace-at-any-price, which, if the hon. Member for Shaftesbury be an authority, has already become the policy of England. I have made these observations because I wish to state distinctly the sense, the only sense in which I can accept the settlement which has been announced from the Throne, and which I accept by voting for the Address. I accept it as exceptional—as a hard, unpalatable, exceptional necessity of the past. I condemn it; I abjure it as not for a moment to be tolerated as a precedent for the future. And I say this the more emphatically because I have seen with surprise and concern in some speeches which have been made by leading Members of the Cabinet during the Recess a disposition rather to make light of the loss and detriment which we have sustained, and to speak of them as trifling and unimportant. I think it would be a very great mistake if we allowed it to go forth to the world that we regard the concessions we have made and the sacrifices they have involved as trifling and unimportant. I look on them as most important. I think it difficult to exaggerate their importance. I can recall no transactions in my time so deeply affecting the interests and character of England. That twice within twelve months, when questions of international morality and honour have been raised before tribunals of her own selection, England should have been adjudged to have done wrong, and condemned to pay in cash and in territory for the mischances of her diplomacy; that she should have been compelled to apologise, even while she adhered to a denial of the offence, and should consent herself to change the law—these are incidents to startle the most apathetic among us. I hope we shall hear to-night explanations of all this which may make it more satisfactory to the world outside than any explanations which have been given. The Government last year, as I have said, felt themselves obliged to be very reticent. I think that on this occasion we should have such an explanation as will enable us to say that this settlement is only an exceptional occurrence of the past, and forms no precedent for the future.

MR. OSBORNE: Sir, the annual formality of a Queen's Speech is, no doubt, a most favourable opportunity for most excursive criticism. I rather lament that the excellent speech which has just been delivered by my right hon. Friend is somewhat late in the day. I think it is a speech that might have been more appropriately delivered during the debates of last Session, when those points came more immediately under our consideration. I should not have laid much stress on that paragraph in the Speech from the Throne in which Her Majesty's Government pronounce such a pæan or eulogium on themselves, if the Mover of the Address, in his most promising and capital speech, had not drawn our attention to, and given credit to the Government for, what he called the principle of arbitration, which they first introduced. Now, this principle for which the Prime Minister has got the credit is as old as the time of Henry IV. of France and the Abbé St. Pierre. They tried it to the same effect as our own Government, and they broke down with it. But when he talks of avoiding the calamities of war by means of this principle, I must say I think that was not the sense in which the House consented to the Treaty of Washington. It did not consent to go to arbitration to avoid war. I think the less that is said about the arbitration which has taken place the better, and I have no doubt that the words of the right hon. Gentleman the Chancellor of the Exchequer at Glasgow, that nobody will be bound by this Arbitration will eventually come true. But I think it was worth at least some money on our part if we could restore commercial confidence and a good understanding with the people of America. I believe this to have been done; and though this Treaty was, in my mind, unfortunate in its conception, and more bungling in its conclusion, if possible, than in its conception, still it is now an accepted and acknowledged fact, and I hope we shall do no more than pay our money and put our vexation in our pocket. We are told that we should be thankful to the Emperor of Germany. Well, I think we owe certain thanks to the Emperor of Germany; but we also owe our thanks to one individual in this country who, at Geneva, made me feel proud of it—I mean the Lord Chief Justice of England. And although he has been sneered at and attacked by the Chancellor of the Exchequer in that famous Glasgow speech, I think the people of this country are proud of the Lord Chief Justice, and thankful for the judgment delivered on the Alabama Claims. So much for the Emperor of Germany and the Chancellor of the Exchequer. I now come to a paragraph of which I hope some explanation will be given, in which the Queen says, "I have concluded a Treaty for the Extradition of Criminals with my ally the King of the Belgians." I should wish to ask Her Majesty's Government if they have any intention to come to some understanding with the Spanish Government as to a treaty of that sort. Very lately we have seen and read with horror the case of the *Northfleet* and the *Murillo*. Without at this stage pronouncing any opinion upon it, and giving credit to Her Majesty's Government for having bestowed a well-merited pension upon the widow of that hero, Captain Knowles, I hope Her Majesty's Government will take determined steps, and speak in a manner not to be misunderstood, and arrange some diplomacy on this subject. I hope they will see that justice is done to the survivors. I come now to another question, if possible of greater interest than any that has yet been alluded to—I mean the paragraph, somewhat confused and somewhat obscure, relating to the Russian proceedings in Central Asia. Now, however natural it may be for the possessors of their enormous Indian dominion to express some jealousy of the movements of Russia in Central Asia, I hope the House will pause before it allows itself to exercise any unfair jealousy of the proceedings of Russia in Central Asia. Why, Sir, what is the case? We are taking credit to ourselves for sending a mission to Zanzibar for the suppression of slavery. What is the case of Russia at this moment in Central Asia? Russia is simply forwarding an expedition to rescue her merchants and her subjects from slavery in Khiva. If you look into M'Culloch's Dictionary you will find that the staple commodity of Khiva is dealing in Russian and Persian slaves. There are, at least, 40,000 slaves in that territory, and I think Russia cannot be blamed for undertaking an expedition to rescue those slaves from the horrible torture which they are enduring; therefore, I hope that we shall not hear anything that will by any possibility produce a feeling in this country which will make us eventually go to war with Russia. A more ferocious state of society does not exist than exists in the Khanate States. It will be time enough for us to take the necessary precautions when Russia interferes with Persia. Of course we cannot prevent Russia from bringing indirect pressure to bear upon Persia at any time; but so long as she confines herself to the Khanates in Central Asia, we are not called upon to interfere. I view, however, with some fear this project to "arrive at an identity of view regarding the line which describes the northern frontier of the dominion of Afghanistan." "Identity of view?" What are we about to do? It seems to me, if there be anything in this paragraph, that we are about to come to some understanding by laying down a frontier on territory which belongs to neither of the great Powers concerned. What can be more dangerous? We shall have, at least, no arbitration as to such a frontier, for what would be the consequence if an Afghanistan chief or a Tartar Khan were called upon to give an opinion upon the identity of views between England and Russia as to the northern frontier of Afghanistan? It seems to me that the policy we are about to pursue is a most questionable policy. Of course, when the Papers are laid on the Table we shall have a better opportunity of discussing this question, and shall be in a better position to understand what this identity of view is. We have heard little about the Estimates, and they will come on for discussion in due time; but I pass now to a question of the utmost importance—that concerning University Education in Ireland. While giving the Government credit for attempting to settle a point which I fear they will find great difficulty in settling, I hope this House will come to the consideration of this question throwing aside all feelings—I will not say of bigotry, but of dislike to a creed which, say what you will, is the predominant creed of the people of Ireland. I shall approach this question with a desire to do my duty both to this country and to Ireland; but I much fear that, do what the Government will—not only this, but any other Government—there are difficulties in the way which will not only deprive the people of Ireland of any advantage from the advancement of learning, but which may imperil the rights of conscience. In conclusion, I do hope that Her Majesty's Government will be content without urging on a great number of measures. What with the 66 Notices of Motion given to-night, and the numerous Bills hinted at in the Speech from the Throne, we know what the end of the Session will be. We shall pass one or two complete measures, and shall see a badly conglomerate mass of undigested legislation. I hope, therefore, the Government will strike out some of these measures from their programme. At any rate they shall have my support in carrying to an issue all good and useful legislation.

Mr. WHITE said, he had never heard a speech which if not so wholly misplaced would have been so mischievous as that of the right hon. Gentleman (Mr. Horsman). The right hon. Gentleman attached great importance to American opinion; but what would be the effect of such a speech upon the American mind? He had regretted that the Arbitrators had come to so lamentable a conclusion, without justice, without facts, and without law; and it would go forth to the world on his authority, as well as on that of the right hon. Gentleman opposite (Mr. Disraeli), that the English people were dissatisfied with the Award, regarding it with sorrow, if not abhorrence. Now, he (Mr. White) did not hesitate to say that he regarded the Award with entire satisfaction, and so far from thinking we had been assessed at too high an amount, he thought we deserved to pay much more than was awarded for the nation's default. [*Laughter.*] Hon. Gentlemen might smile; but he had taken the trouble to study this question in every phase. He was the first Member to move for Papers upon the subject. Immediately after the infamous evasion of the *Alabama*, he moved for copies of the Correspondence between the Commissioners of Customs in London and the Collector in Liverpool. It was intimated by Lord Palmerston that the Government would not grant those Papers. He (Mr. White) said to the official who was the medium of communication — "Are you ashamed of them, then?" The reply was—"Do you want to make out a case for the Americans?" He (Mr. White) said, "No, I do not want to make out a case for the Americans; but I do want to how those scoundrels at Liverpool that he eyes of Parliament are upon them." The result was, that he had to be atisfied with garbled extracts from the orrespondence. Those, however, who were acquainted with the subject, knew hat the Government had distinct notice hat such a vessel as the *Alabama* was going to leave the Mersey, and everybody who had eyes to see or ears to hear also knew the object of the vessel. At that time, however, the builder of he *Alabama* was the hero of the hour, and if he had gone into the lobby to move for the Papers entire, not a dozen Members would have voted with him. Nearly the whole feeling of both Houses and of that mob of useless persons called ociety was in favour of the South, together with all the scribblers of the blood and culture school. At that time an insulting retort to the hon. Member for Birmingham (Mr. John Bright) evoked frantic cheers in this House. Mr. Cobden's declaration that we should sooner or later be obliged to pay for all damage done by the *Alabama* was treated with scorn. He and those who thought with him were in a miserable minority, and were almost subjected to insult for the line they took. He was astonished that his right hon. Friend (Mr. Horsman), with his sense of the gravity of the position, and his professed desire to cultivate friendly relations with America, should have spoken as he had spoken to-night, for he could have devised no better plan of arousing feelings which all should wish to see buried in oblivion. To his honour the right hon. Gentleman (Mr. Disraeli) during the Civil War abstained from saying a single word to exasperate the feelings of one side or the other. He wished that some eminent statesmen on the Liberal side had been equally scrupulous; but it was to be regretted that the right hon. Gentleman, after showing this noteworthy sagacity, should now depart from his statesmanlike reticence when the matter was really settled. It was true the right hon. Gentleman said he did not want to dispute the decision of the Arbitrators; but the Americans would understand that the great party whom he represented were dissatisfied with the Geneva Arbitration. As to the San Juan Award, that question had been wholly misunderstood. The original Treaty of 1842, and the Oregon Convention of 1846, showed clearly that from the first the Americans intended to have the Haro Channel; and the reason we did not so understand it was, that in 1846 our Foreign Office knew little about so remote a part of the world, and cared less. It believed that the country would never be fit for anything but the breeding of fur-bearing animals; but in process of time all this was changed by the discoveries of gold in California and British Columbia. He could not help expressing his regret at the way in which his right hon. Friend (Mr. Horsman) had referred to the speech of the hon. Member for Shaftesbury (Mr. Glyn). He understood that his right hon. Friend had been influenced by the newspaper comments on the speech; but it should be remembered that during the Recess it was not always an easy matter for newspapers to find subjects on which to comment, and he felt bound, therefore, to protest against the manner in which that speech had been dealt with by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) and also by his right hon. Friend (Mr. Horsman) the Member for Liskeard.

MR. LAIRD said, the hon. Member for Brighton (Mr. White) had now substantially repeated the statements which he had made during the Recess at meetings at Brighton and elsewhere, where he had stated that he would have brought the case of the *Alabama* before the House, but for the fact that Mr. Laird was able to command a majority.

MR. WHITE said, he had at no time intended any personal reflection upon the hon. Gentleman. If anything he had said was capable of such an interpretation, he unhesitatingly withdrew it.

MR. LAIRD at once accepted the hon. Member's explanation. With reference to the question as to who was responsible for the payment of the Award, he contended that the responsibility rested with the Government and with their Republican supporters, at whose instigation they had sacrificed the interests of the country by going into an arbitration on a law made *ex post facto*, and on such admissions and conditions as entitled America to a verdict. He regretted that the Government had not gone into the Arbitration in a straightforward way, as men of business would have done. With reference to the subject of the *Alabama*, Messrs. Laird Brothers published a letter in May, 1869, in which they stated their case, and that case no one had attempted to disprove or answer. In that explanation, they suggested that an inquiry should be instituted by a Royal Commission, or a Committee of the House of Commons, into the support given to the North and South during the American War in reference to ships, warlike stores, guns, ammunition, armour plates, and the enlistment of men to serve for either of the belligerents, which would tend to place all the matters in dispute clearly before the British Parliament and people. The Government never instituted any inquiry, nor asked them for any information until 1871. In that year the Government applied to Laird Brothers to know if they could give any information in reference to the question. In answer to that demand Messrs. Laird, the builders of the *Alabama*, supplied to the Government copies of the contracts and other documents relating to the contract and delivery of the ship. The result was that the Government stated in the British Case that they had no reason to doubt, after these documents had been placed in their hands, that the building and delivery of the *Alabama* were, so far as the builders were concerned, transactions in the ordinary course of their business as shipbuilders. Those documents had been laid before the Arbitrators, and Messrs. Laird had nothing to fear from the wild statements of itinerant orators and enthusiastic Republican Members of Parliament.

Mr. GLADSTONE: Mr. Speaker—With reference, Sir, to the treatment of the general topics of the Queen's Speech I do not intend to add anything to what has been said by my hon. Friends the Mover and Seconder of the Address, both of whom have discharged the difficult duty they have undertaken with great ability, and in a manner which entirely commended itself to the approval of the House. Perhaps, as I have reason to feel a special and personal interest in one of those hon. Gentlemen, I may be permitted to congratulate my hon. Friend the Member for East Worcestershire (Mr. Lyttelton) upon the success which has attended his performance of a public duty to-day. Sir, as respects the general comments made upon the various portions of the Speech, as usually happens, we have no reason to complain of the tenor of those comments. I will confine myself, therefore, in the remarks I am about to make entirely to those special references which have fallen from hon. Gentlemen, and which seem to demand, from the importance of the questions to which they relate, some notice on my part.

The first subject referred to by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), whose appearance in this House, under the present circumstances, has been a matter of such deep sympathy to us all, was the question of Irish Education. And here I will deviate for a moment to thank my hon. Friend the Member for Waterford (Mr. Osborne) for, as I think, the wise and equitable observations which he made with regard to this subject. I have no complaint to make with regard to the manner in which it was treated by the right hon. Gentleman. He spoke of his hopes and of his fears with regard to the question. To some extent we are in the same predicament with regard to Irish education. Both of us, at different times, have burnt our fingers in attempting to deal with it, and it is to be hoped that both of us, in time to come, will use the best efforts in our power to avoid the danger we formerly incurred. However, the case, although it is recognized on all sides as difficult, is not hopeless. The advancement of learning in Ireland is not irreconcilable with the preservation of the sanctity of the rights of conscience. And that is not a merely theoretical doctrine, because we have one great example of it upon record—an example due mainly to the patriotic energy of the late Lord Derby, when he was a Member of the Government of Lord Grey, and when he introduced a great measure of popular education in Ireland, which undoubtedly did contribute largely to the advancement of learning in that country, and which was at the same time devised with the most careful regard to the rights of conscience. Therefore, though no doubt we have much difficulty before us, we shall proceed cheerfully in the work we have undertaken, relying only upon that assistance of Parliament and that fair amount of favourable consideration which we have experienced on other occasions when we have endeavoured to solve problems of great magnitude with respect both to Ireland and to England. Sir, I think there is no other matter of domestic interest to which it is necessary for me to refer. I will, therefore, at once pass to those paragraphs in the Speech referring to foreign politics, upon which a variety of comments have been made. The right hon. Gentleman (Mr. Disraeli) expressed his hopes that Papers with regard to Central Asia would be laid upon the Table of the House. My hope is that those Papers will be laid on the Table at a very early date; but when the right hon. Gentleman sees how recent is the time to which they come, he will easily understand that it was not possible to lay them on the Table to-night. And here, again, I must say that my hon. Friend the Member for Waterford (Mr. Osborne) called attention to a subject that is too apt to be overlooked in connection with the difficult subject of Central Asia, and with the impending Russian expedition to Khiva. We certainly should have thought it an act of great presumption on the part of any foreign Power to have dictated, or attempted to dictate, to us the course that we ought to take with regard to relieving our countrymen who were imprisoned in Abyssinia, or to extort from us by pressure any pledge or engagement whatever as to the measures we might adopt for this purpose, or the consequences they might entail. I hope it will be borne in mind that—so far as we are in possession of the facts—we believe that the causes which lead Russia to seek redress at the hands of the Khan of Khiva are graver still than those which led us into Abyssinia, and we shall endeavour to pay that same respect to the independence of other countries —even when they are tempted perhaps for a moment to forget it—that we shall restrain ourselves and endeavour to pay to that independence and free agency the very same respect that, under like circumstances, we should exact and require to be paid to our own.

Sir, the right hon. Gentleman referred very briefly to the paragraph which touches on the Treaty that was signed between the Government of France and the Government of the United Kingdom, and he expressed his hope that statements to the effect that the interests of British manufacturers had been recklessly and needlessly compromised would prove to be without foundation. I hope that when that Treaty is produced it will be found that those statements are—as the right hon. Gentleman hopes they may be—unfounded. I will not enter into a detailed explanation of the circumstances or of the provisions of the Treaty, because it is an instrument which assumes of necessity a character of some complexity, not on account of anything that we have introduced, or have desired to introduce, into it; but on account of the somewhat complex character of the variety of engagements under which France lies to foreign Powers. And I should perhaps find it difficult—without wearying the House by some details not easy of popular exposition—to convey a perfectly just description of the character of the instrument. I will only say we have felt that the situation of France was one in which it was our duty at least to take care that we did not needlessly refuse to concur in an instrument of this description. On the other hand, we knew very well that there were British interests which it was our duty to regard. We knew, also, that there were general principles connected with the subject of freedom of trade of which, through a long course of circumstances, we have become the special guardians. I trust that when the Treaty comes to be examined—a Treaty which is at this very moment awaiting the judgment on very important parts of it of the French Assembly—it will be found that we have acted, upon the whole, and undoubtedly in circumstances of some difficulty, with no unjust or warped judgment, and upon principles which the House will not be disposed to dispute.

Sir, my hon. Friend the Member for Waterford has asked a very simple question with regard to the paragraph of the Speech referring to the Treaty for the extradition of criminals—namely, whether any steps have been taken with a view to conclude a similar Treaty with Spain. I can assure my hon. Friend that the subject is under the consideration of the distinguished person who represents the Government of Spain at the Court of London, and that communications upon the subject are in progress. And, perhaps, I may here take the opportunity of correcting what I think was a misapprehension, and consequently an erroneous statement, on the part of the right hon. Gentleman the

Member for Buckinghamshire, who appeared to be under the impression that in every case where an Extradition Treaty is entered into it is necessary to have it confirmed by an Act of Parliament. Now, Sir, that is not so. Although Treaties of Extradition necessarily involve the most sacred and most important questions of personal right, yet Parliament has intrusted to the Crown—to be administered under the general responsibility of the Government—those powers by which Extradition Treaties are concluded; and when an Extradition Treaty is formed in the Foreign Office, it undergoes no other legal ordeal than that of its being submitted to the Law Officers of the Crown with a view to ascertain whether it exceeds the powers conferred by the statute.

Sir, as was to be expected, the interest, or at least the argument of the evening's discussion, has turned chiefly upon that paragraph of the Speech which refers to the Arbitration at Geneva. Those who have heard my right hon. Friend the Member for Liskeard (Mr. Horsman), and my hon. Friend the Member for Brighton (Mr. White), will have an opportunity of measuring the serious differences of view or temper with which the conclusion of the Arbitration under the Treaty of Washington is regarded by various Members of the House. I think we cannot be surprised that there should be variations of this kind. That the whole House of Commons and the whole country conforms at once and without a murmur to the discharge of the duties incumbent upon us, I need not say. We have had fresh evidence of it in the tone of the speeches to-night; but no such evidence was needed. My right hon. Friend asked towards the close of his speech whether we were to regard the transaction which had taken place as an exceptional one, to be justified by exceptional circumstances, or as a precedent for the future? I am bound to say that, in my opinion, if we had unhappily the same circumstances again before us, it would be our duty to meet them in the same manner. If my right hon. Friend says —"Are you likely, without serious cause, to expose the country upon every occasion that arises to the intervention, even in the form of arbitration, of foreign Powers in our concerns, and in matters touching our interest and our honour?"—then I say certainly not. It is not as an alternative for the independent communication of independent countries that arbitration is to be preferred. The serious question is, whether arbitration is not a comparative blessing when, being resorted to without the slightest sacrifice of honour, it becomes the means by which worse, far worse, results are to be avoided? And by those far worse results I do not only refer to the contingency of war, much less to the mere cost of war; but I refer to the planting of habitual and perpetual discord between countries that every consideration of interest and duty ought to lead into the closest alliance. For the avoidance of a mischief such as this—even without speaking of the avoidance of bloodshed—arbitration, whatever inconvenience it may entail, is, in my opinion, to be hailed as a great blessing. Before parting with the portion of the speech of my right hon. Friend to which I have referred, I may say I think he is in error when he states that the consent to what he terms an apology on our part —that is to say, to an expression of regret for the fact of the escape of the *Alabama*, irrespective of all questions of right or wrong connected with it—was a condition precedent to the negotiation with America. [Mr. HORSMAN: What I said was, to the Arbitration.] I think it was not. If my right hon. Friend refers to the Papers, he will find that statement would not be borne out. [Mr. HORSMAN: It occurred at Washington.] Well, if it occurred at Washington it was not in the nature of a condition precedent. The basis of the whole proceeding was to arrive at an arbitration; and, therefore, the request for an explanation or expression of regret on our part was not a condition precedent to that proceeding. I may say, also, that I can hardly regard it, and I do not regard it, as a concession to America. It was a concession to right, to good-feeling, to international friendship. There was no desire on the part of America to extort it. There was no wish on our part to withhold it. Sir, the right hon. Gentleman opposite (Mr. Disraeli) has referred to the nature of the dispute between America and ourselves being referred to arbitration in a manner which leads me to apprehend that he does not precisely recollect the course of transactions which preceded the Arbitration. The right hon. Gentleman says that those questions were not of a character to inspire any fear of war. The right hon. Gentleman used those words evidently with the *Alabama* Case principally in his mind. But then the right hon. Gentleman should recollect that it was not Great Britain which proposed to refer the case of the *Alabama* and her companions, if I may so call them, to arbitration. They were American proposals, which we were called upon to accept or to reject. But what were the other cases referred to arbitration? There were the cases of the British counter-claims. Of these, also, I fully admit that they were not of a character likely to lead to war. Then there were a number of questions connected with trade, transit, and communication in Canada, with respect to which, desirable as it was that they should be settled, I may say that undoubtedly they fall into the same category. But I now come to the case of the island of San Juan. I am prepared to say in broad terms—and I am not sure that the right hon. Gentleman would not be prepared to say also—that a question of contested territorial right is the kind of question which might probably in the course of years lead to war. We had, it is true, endeavoured to guard against it by a joint occupation; but that joint occupation was essentially a provisional arrangement. It was impossible it could last over a long tract of time, and the end of that joint occupation whenever it occurred would, in my opinion, have brought us to a crisis by no means free from the danger of the last extremity. But I am sure that the right hon. Gentleman, when he described the questions referred to arbitration as not being likely to lead to war, could not have had in his mind that other question which I have not mentioned, but which more than any among them actuated the British Government in proposing an arrangement of this kind. I allude to the question of the Canadian Fisheries. The question of the Canadian Fisheries was a perpetual source of exasperation and of danger. Not a year passed over our heads that was not attended with serious risk, and the risk would continue if we allowed that state of things to be prolonged. It was not the mere expediency of settling the question on a basis most advantageous, I think, to Canada—and the maritime portion of the country concur in that opinion—but it was the desire of putting an end to a state of things which, if it did not involve immediate danger, certainly was a standing danger, and a grave and serious one, of absolute quarrel between the two countries. And here let me remark that the right hon. Member for Liskeard is evidently under some error when he says we have made over to America the Canadian Fisheries, for which Parliament has to pay compensation. [Mr. HORSMAN: I said security, meaning the guarantee of the loan.] I can assure my right hon. Friend that the transaction relative to the fisheries has no connection whatever with any compensation either in the form of money or guarantee to be found for Canada. The right hon. Gentleman opposite does not think this matter of arbitration is to be made too much of as a step in the transactions between nations, and I quite agree with him. Arbitration is not a novel invention. Arbitration has undoubtedly its own grave and serious and characteristic difficulties; but what I think we are justified in saying—not wishing to make either too much or too little of the matter—is this. There may have been particular questions which have previously been made the subject of reference to arbitration between independent countries of as great consequence as any one of the questions which remained unsettled between ourselves and America. But this, I think, remains indisputable—that when so far a step in advance has been made, there has been no instance in which such a group of controversies, reaching over so wide a surface, descending so far into detail, and involving in certain cases such serious issues, have, by the joint and single act of two great countries, been thus brought to a peaceful termination. The right hon. Gentleman says that when his Government—which, in my opinion, as far as the Alabama Claims are concerned, certainly deserves the entire credit of having been the author on this side of the water of the idea of arbitration—accepted that idea as the basis of its communications with America, he thought the result would not be injurious to this country. I am not quite sure what sense I am to attach to those words. Perhaps he means that there would be none of the international complications which he now thinks likely to arise out of the three

Rules. If he means that he thought the result would not be injurious in the sense that we should not be called upon to pay any money, I know not whether that was his personal opinion; but, undoubtedly, it was not the opinion of many others, nor was it the opinion propounded on behalf of the right hon. Gentleman's Government. My hon. Friend (Mr. Osborne) asked us last year, when he thought we were leading the country into complications, why we had not accepted the offer made by the American Government to settle the matter in the beginning by the payment of a lump sum? He said it might have been done. He had reason to believe that they offered to take a lump sum for damages, and that that amicable settlement amounted to this—that they would have taken £6,000,000 in satisfaction of all claims; but, said my hon. Friend—

> "Although they might not have objected to take £6,000,000 a long time ago, we cannot get off so cheaply now. What will they take now?"—

meaning that nothing but a very much larger sum could possibly bring the matter to a solution in the way he pointed out. We had higher, because official, authority in the declaration made by Lord Derby, when, speaking from this Bench on the 6th of March, 1868, as Minister for Foreign Affairs in the Government to which he belonged, he said—

> "I have never concealed my opinion that the American claimants, or some of them at least, under the reference proposed by us"—not under the three Rules—"were very likely to make out their case and get their money. To us the money part of the affair is inappreciably small, especially as we have on our side counter claims which, if only a small portion of them hold water"—

[*Ironical cheers.*] Well, those counter claims are now under adjudication; they are going forward, and very important judgments have been given by the Commissioners who have them in hand. Lord Derby said—

> "Counter claims which, if only a small portion of them hold water—and you never can tell beforehand how these matters will turn out—will reach to a considerable amount, and form a by no means unimportant set-off to the claims preferred against us. But I think if matters were fairly adjusted, even if the decision went against us, we should not be disposed to grudge the payment. The expense would be quite worth incurring, if only in order to obtain an authoritative decision as to the position of neutrals in future wars."—[3 *Hansard*, cxc. 1177.]

Whether it was wise or not to make that declaration at that moment, while the Arbitration was pending, I am not now called upon to decide; but as to the expectation that was entertained and the value of the whole element of money payment in this matter, I think it is a comprehensive and equitable statement of the case. The right hon. Gentleman, however, when he said he did not apprehend embarrassing consequences, probably referred, not to the question of money at all, but to that which he afterwards dwelt on at some length and with much force—namely, the consequences, as he thinks, of the three Rules that were laid down. Sir, with respect to the three Rules, if some amount of disadvantages had been incurred by us in consequence of their adoption, I would still entreat the House not too hastily to conclude that it was unwise to agree to them; because, undoubtedly, whatever may be true with respect to the expression of regret, or the apology as it has been termed, these three Rules were an essential condition of proceeding. They were an essential condition, therefore, of settling the questions connected with the *Alabama* and the other cruisers, and inasmuch as they are an essential condition binding upon all the others, they were the essential condition of settling the whole contested subject between us and America, I think, only to this extent—not to assume that we were right in adopting bad and embarrassing rules for the sake of the ulterior objects we had in view, but to appreciate the gravity of the question to us—that undoubtedly we should not have been justified in declining to enter on the subject of these Rules from any mere objection of a secondary character, provided that we were satisfied that they were sound and right in themselves. It is perfectly possible that this question of the Rules may be further debated hereafter; and, although the right hon. Gentleman has exercised a right that belongs to him in discussing the matter to-night, yet it is to be borne in mind by the right hon. Gentleman that this subject must depend upon a very close examination indeed of the construction of terms, and no general statement, even though made by a Gentleman of so much ability as himself, can possibly dispose of points such as those at issue, and I will illustrate what I have said by the manner in which I am obliged to meet the statements of the right hon. Gentleman. He began by very fairly making the admission that if the three Rules had received at Geneva the interpretation which we placed upon them, they would have been innocuous. That interpretation I take from the argument on due diligence which was presented by the Lord Chancellor, then acting as counsel for England. He said what we had undertaken by these Rules was this—to acknowledge as a rule of judgment for the purposes of the Treaty the undertaking which the British Government had actually and repeatedly given to the United States to act upon the construction which they themselves placed upon the prohibitions of their own municipal law, according to which it was coincident in substance with those Rules. That is a declaration upon which we have ever stood, and which, I affirm, has not been in any particular shaken by the proceedings at Geneva. The right hon. Gentleman says, Count Sclopis has declared that our municipal law must be reconstructed to bring it into conformity with the Award. Here, again, we are under the disadvantage that the right hon. Gentleman, speaking without the full Papers in his hand, had no power of giving me a distinct reference to the terms he had in view; but what I think I can venture to say is this:—I believe the right hon. Gentleman has entirely, though quite unintentionally, misapprehended, and, therefore, mis-stated the words of Count Sclopis, and that, on the contrary, he said our municipal law as it now stood was in perfect conformity with what the case required. We have, however, never contended, nor did we ever agree, that our municipal law, as it now stands, was to be imported into the proceedings at Geneva. What we agreed was this:—We looked back to the time of the *Alexandra* case, to the serious and important differences which then arose between the view of municipal law taken by the Crown and by the Executive Government of the country on the one hand, and by the Judges on the other. Of course, it was what the Judges declared which constituted the law of the land, and that law we thought, not the law as our legal advisers viewed it, required altering. The whole effect of our concession, as far as we knew its effect, with regard to the formation of the three Rules was this:—That we agreed to treat as if it had been a part of the international law of the time—that is, as if it were part at least of a special engagement to America, that doctrine and construction of the municipal law of England, for which our own Law Officers had contended in the Courts. I think I understand the right hon. Gentleman that so interpreting the three Rules he does not find that any vital or cardinal objection is to be taken to them. But he says that on three essential points our interpretation of the three Rules was over-set at Geneva; and he went on to state those three points. First of all, he says we were bound under the three Rules to use due diligence. The Arbitrators interpreted the term "due diligence" in a certain manner, and we were found to be liable to make a certain payment under that Rule and under that interpretation of due diligence. The right hon. Gentleman says it is due to the Rule that we were cast in that portion of the Award. Sir, I deny that that had the slightest connection with the substance of the three Rules. What are the words "due diligence" but a merely common-place expression of that which every country is bound to use for the purpose of fulfilling the obligations which it admits? The question does not lie in the introduction of the words "due diligence;" it lies, on the contrary, in the extent of the obligation you allow to be incumbent on you. I want to know whether the right hon. Gentleman is prepared to admit that there is any obligation of international law outside of the three Rules to which the doctrine of due diligence is inapplicable. It is the absolute duty of every country, whatever covenants it enters into, whatever it is bound to do on behalf of a foreign State, to use diligence in doing it. The question whether the words "due diligence" were correctly construed by the Arbitrators at Geneva is a totally different and wholly irrelevant one. If we admitted in any terms whatever the obligations that we admitted under the three Rules, the same judgment must have been given. There is no extravagance in the words "due diligence." What more safe, what more innocent, what more common-sense phrase could have been adopted? In truth, they only express for a particular case the principle that must apply to every international obligation—namely, that, with due allowance for the occasional failure incident to human affairs, vigilance and earnestness of purpose are to be exerted in giving effect to those obligations which are admitted to exist. Again, the right hon. Gentleman says the three Rules were construed at Geneva on an essential point in a manner contrary to our construction of them when the Arbitrators proceeded to lay down the doctrine that we were required by international obligation to make seizure of a ship which unlawfully escaped from our ports, even although it had become a national ship by receiving a commission as a ship of war. That is not an accurate account of the declaration made by the Arbitrators. But, undoubtedly, the effect of their declaration goes to this extent—that the receiving of a commission and becoming a ship of war in the case of a vessel which has escaped in fraud of our laws does not purge its original offence. The right hon. Gentleman then says that the Arbitrators in this respect construed the three Rules differently from ourselves. But that proposition of the Arbitrators has nothing whatever to do with the three Rules, in which there is nothing expressly referring to it; and if the three Rules had not existed, it would have been just as competent for the Arbitrators to declare that doctrine. The right hon. Gentleman here again—naturally confining himself to that generality of observation which appertains to the first night of the Session—did not give the particular words on which he founded himself. Therefore, I need hardly trouble the House by reading the three Rules at this moment; but anyone who takes the trouble to refer to them will see that they have no bearing on the question, whether this doctrine is a true doctrine or untrue doctrine. The other point on which the right hon. Gentleman thought the decision of the Arbitrators had gone against us was as to the coaling of a ship; and he said that under that decision the coaling of a ship might be an offence. Why, Sir, the coaling of a ship might be an offence, quite independently of the interpretation of the Geneva Arbitrators. It has never, I believe, been contested by any authority that the coaling of a ship might be an offence. It all depends upon the circumstances, the time, the manner, the quantity of the coaling, and the purpose for which it is carried on; and, therefore, the Arbitrators have not laid down the doctrine as supposed by the right hon. Gentleman. They have stated the doctrine as to the coaling of a ship in terms that are general. I do not know whether it is necessary for me to read them or not; but those terms have nothing whatever to do with the three Rules. Before the three Rules the doctrine as to coaling was understood, and the right hon. Gentleman must enter into a very different kind of argument from that which he has made to-night if he undertakes to show either that the Arbitrators have laid down the principle that the coaling of a ship can become what everybody knew it might become long before the three Rules, or that it has any connection with the introduction of those Rules. What I take to be really the case is this —that the term "due diligence" has been subjected by the Arbitrators at Geneva, in the exercise of their judgment, to what some may think a rather rigid construction. And the rigidity of that construction is not a whit greater, if it is no whit less, than the construction which might, and which in all likelihood would—I might almost say must—have been adopted if the words "due diligence" had not appeared in the Rule at all, because the doctrine of due diligence is not an essential part of the Rule, but applies to the fulfilment of all international obligations. But before we complain of the three Rules, let us consider both sides of the case. If a strict doctrine has been laid down, and if the first consequence of that is that we are called upon to pay money which under a doctrine more relaxed we should not have had to pay, the fact of such a strict doctrine having been laid down is an important fact in the history and in the gradual formation of international law. But though the first effect of that doctrine may be unfavourable to us in the sense of requiring from us a certain payment of money, I want to know whether the House in general is of opinion, or whether the right hon. Gentleman himself is of opinion, that the strict enforcement of the doctrine of due diligence in the execution of international obligations, even if pushed to harshness against us—which I do not say it has been—in a particular case is a declaration or a measure unfavourable to the permanent interests of this country? In the same way, in regard to the doctrine on which the right hon. Gentleman dilated with great force that the offence of a ship which has escaped from a neutral port in fraud of the laws of the neutral country is not purged by her subsequent reception of a commission as a ship of war, undoubtedly that proposition is one of the very gravest importance. But the thing which it is essential for me to observe is that it has no connection whatever with the three Rules. Beyond this I would say that it is not established, it cannot be made international law, by the proceedings of the Arbitrators. The judgment of the Arbitrators in regard to it is among what may be called the *dicta sapientium;* it is a grave judgment given in a particular case, and a fact for the consideration of future tribunals. It may be right, or it may be wrong. It may be said that we have suffered by it to a certain limited extent; but I am not prepared to admit that the Arbitrators have inflicted, even in that sense, an injury on the permanent interests of England; while I contend that, whether they have or have not, their *dictum* was a matter which it was free to them to deliver, but which was not chargeable upon the three Rules agreed upon between England and America, and which the right hon. Gentleman himself has not by any distinct logical argument attempted to show was connected with the three Rules. Therefore, not regarding the present as an occasion on which the matter can be bolted to the bran, I content myself with a counter assertion in reply to the assertions of the right hon. Gentleman. But the right hon. Gentleman having, as he thought, established the doctrine that these three Rules are to be the source of infinite confusion, and that Count Sclopis had declared that they would require an alteration of our municipal law—a thing which, if I am not greatly mistaken, Count Sclopis never declared at all—the right hon. Gentleman asked what course we are prepared to take in reference to the three Rules. Well, that course has been defined for us, and has, I may say, become a matter of international engagement. We undertook with America, in regard to these Rules, which the two countries had agreed to as likely to improve and clear the basis of international law, that we would act upon the conviction which we jointly entertained that their adoption would be favourable to the formation of a sound code of maritime law on the duties of neutrals throughout the world; and consequently in the 6th Article of the Treaty the concluding words were that the high contracting parties agree to observe these Rules as between themselves in future, and also to bring them to the knowledge of other maritime Powers and invite them to accede to them. Well, in pursuance of that undertaking, the British Government did some months ago forward a recommendation of this kind to the allied Powers. We have not, I think, in any case, as far as I know, yet received a definite reply on the subject of these Rules. [*A laugh.*] Do hon. Gentlemen feel any surprise at that? I must say I think it is a question not of legislating as we legislate here by an Act of Parliament, which we can pass to-day and undo to-morrow, but we are legislating for the international concerns of the world, and establishing a general consent of nations, which no one or no two of them, once they are established, will be able to undo. Therefore, for each of these countries to say it will take a few months, or even many months, to consider whether it will accede to these Rules would, I think, only be a most reasonable and proper proceeding on its part. I can assure my hon. Friend the Member for Waterford (Mr. Osborne) that there was no intention on our part in the composition of this Speech from the Throne to sing a pæan over those proceedings. I should be sorry to appear to exaggerate or over-colour the statements with regard to this Arbitration. I must say it appears to me, speaking generally, but without any exception almost, that it has been received by the country at large in the light which reason and justice would recommend. It is not, certainly, particularly agreeable to find with regard to San Juan, of however little consequence that island may be, that the construction of an instrument was against us when we believed it would be in our favour. It is not particularly agreeable to have to pay money to a foreign Power, even though certain results may be obtained which are not unfavourable to our own permanent interests. The good sense of the country has, however, I think, at once passed by all these secondary matters, some of which are scarcely worthy of consideration; and, looking to the large interests of humanity and civilization involved in this mode of dealing with international disputes, taking the good and the bad together, has arrived at the conclusion that if it be not in every respect precisely what we could wish, yet it is a thing to be heartily welcomed and embraced on account of the principle which it tends to consecrate and establish, and the evils which it may operate to remove.

Mr. GATHORNE HARDY: I very reluctantly trespass upon the House, because I know the disposition to vote at once an Address in answer to the Speech from the Throne; but, at the same time, the points that have been raised by my right hon. Friend (Mr. Disraeli) appear to me to be so important that, if the House will bear with me for a short time, I should like to offer a few remarks on the comments which have been made upon them by the right hon. Gentleman who has just sat down. As to the past, I do not wish to say a single word, because last year the Treaty had been ratified and the Rules had been established before Parliament had any means of interfering with them, and Parliament having taken no step with respect to them last year, and the Award having been made, it appears to me that it would be inconsistent with the dignity of this House or with that of any Member of it particularly to cavil at the result. At the same time, we have, I think, a very grave question before us, as I find now from the right hon. Gentleman opposite that these Rules have been submitted to other nations with a view to their adoption. I cannot help remarking that if these Rules are to be submitted to, it must be because they introduce something that is new into international law. The right hon. Gentleman, indeed, tells us that these Rules merely carry out that which we were prepared to carry out before; but if that be so, is it not somewhat remarkable that it was deemed to be necessary on the part of the British Government to protest in the Treaty that these Rules were not in force when the alleged offence was said to have been committed, but were Rules established for the purpose of the special inquiry? But I should prefer to state the case in language which is not my own. I entirely concur in the eulogy which has been passed by the hon. Member for Waterford (Mr. Osborne) on Lord Chief Justice Cockburn. I cannot read his Judgment without a feeling of surprise and astonishment at the ability which it displays, as well as the enormous amount of labour which must have been expended upon it. He says—

> "We have the one party denying the prior existence of the Rules to which it now consents to submit as the measure of its past obligations, while the other virtually admits the same thing, for it 'agrees to observe the Rules as between itself and Great Britain in future, and to bring them to the knowledge of other maritime Powers, and invite them to accede to them,' all which would plainly be superfluous and vain if these Rules already formed part of the existing law recognized as obtaining among nations."

The right hon. Gentleman complained of my right hon. Friend speaking of Extradition Treaties being confirmed by statute, but he was correct in substance, for they are submitted to the Law Officers of the Crown to see whether they exceed the statute on the subject, and therefore they are made in conformity with an Act of Parliament, and not absolutely in the discretion of the Executive of the day. The right hon. Gentleman says that arbitration itself is a great blessing, and that in order to secure it we ought to be prepared to submit to a great deal. Well, I admit that we ought to do a great deal for the purpose of obtaining the settlement of disputes by arbitration, and I think the Government of which I was a Member took that view when they themselves proposed it on what I believe to have been an honest and true principle. But when the right hon. Gentleman quotes my noble Friend Lord Derby as having made the statement which he quoted with respect to the possibility of our incurring a loss while no doubt every one must have contemplated that there might be a decision against us, it must be borne in mind that that decision must have been based on the existing international law, and not upon the Rules. My noble Friend said it was of the utmost importance to obtain a decision on the existing international law, and so said Lord Chief Justice Cockburn—

> "It is, I cannot but think, to be regretted that the whole subject-matter of this great contest in respect of law as well as of fact, was not left open to us, to be decided according to the true principles and rules of international law in force and binding among nations, and the

duties and obligations arising out of them, at the time when these alleged causes of complaint are said to have arisen."

Now that is precisely what Lord Stanley, then at the head of the Foreign Office, said in this House. The right hon. Gentleman went on to say that he would not deny that a rigid view had been taken by the Arbitrators of the question of "due diligence," and the words, he told the House, were such as came in everywhere and had always to be considered. But if that be so, why were those words so specifically introduced into the Treaty? Why was a force given to them in the Treaty which had never been given to them elsewhere? And why, if they previously existed, as the right hon. Gentleman informs us, did there arise this difficulty among the Arbitrators in deciding upon them? I refer once more, and I hope for the last time, to Lord Chief Justice Cockburn, who says—

> "When we proceed to apply practically the test of 'due diligence' to the conduct of the Government, the anomaly of the present position, to which I adverted in the outset, makes itself sensibly felt. As I have shown upon abundant authority, the equipping of a ship for sale to a belligerent in the way of trade was at the time in question no offence against the law of nations or a violation of neutrality, though it was an offence against the law of Great Britain. The Government was under no obligation to a belligerent to enforce the law for his benefit, and incurred no liability to such belligerent for not doing so so long as the law was not enforced against the latter any more than against his enemy."

My right hon. Friend then was quite justified, it seems to me, in the remarks which he made on this question of "due diligence," and on the danger of everything being strained to the advantage of the belligerent and against the harmless neutral. It is fixing in fact on neutrals an obligation, not for their own benefit or the benefit of their citizens, but solely for the benefit of those who disturb the peace of the world, and, in my opinion, the Rules ought to be for the benefit of of peaceful nations, and not entirely for the benefit of belligerents. The Chancellor of the Exchequer said, indeed, that the decision of the Arbitrators was not binding in the future; but he did not say that the Rules were not binding. He supposes that the Arbitrators have gone out of the Rules altogether, and have given, not an interpretation of them, but have added something to them on their own account, and upon that based their decision. If, however, my right hon. Friend will refer to the Award, he will find that the whole decision is stated to be based on the Rules, which alter international law and raise very great difficulties hereafter, if you accept the interpretation of the Arbitrators. The Arbitrators interpreted the words "due diligence" not as they were interpreted by the counsel for this country—not as they were interpreted by the British Government—not as they were interpreted by Sir Roundell Palmer, as having reference to the municipal law of England. That is to say, that in exercising "due diligence" you were not bound to find a new municipal law for the purpose, but to use such diligence as on a reasonable belief of certain things happening you thought you were bound by your municipal law to use. You were not bound to take the initiative, to search or to inquire, but you were to receive information, and you were not bound to act on that information unless you thought it was likely to lead to a conviction. If you were of opinion that it would result in an acquittal, it was not your duty in the discharge of "due diligence" to proceed. If you brought a case before the tribunals of the country and a judicial acquittal took place, it was argued by our counsel that in such a case it was quite clear that this country was no longer responsible. It was also argued by him that if our subordinates at a distance acted without or against instructions, or against the wishes of the Government at home, we were not responsible. And yet these points were decided against us. According to the right hon. Gentleman's statement, we have submitted these Rules to foreign States for their approval. What I desire to know is, whether we have submitted them with an interpretation as contained in our Case attached to them, or with the interpretation which has been put upon them by the Arbitrators? If we have submitted the Rules to foreign States without annexing either interpretation to them, then I say that we have done still worse, because we have thrown loose upon the world a question which may bring still greater complications upon us. What say the Arbitrators upon the point of "due diligence?" They say—

> "Due diligence is in exact proportion to the risks to which either of the belligerents may be

exposed from a failure to fulfil the obligations of neutrality on the part of the neutral Governments."

Now, conceive the position in which we are placed by such a rule as that. According to Mr. Adams, that puts you in a different position as regards different belligerents, and therefore you are to be liable, not for what you do, but according to the results of your actions. Now, is not that most unjust? Will any country in the world accept such a rule as that by which they are to be bound? They will naturally say—"We will be judged by the law, and not by the results of our actions." Now, what do the Arbitrators go on to declare?—that we shall be held not to have used due diligence because we "omitted to take effective measures of prevention." If I rightly understand this finding, the Rules become useless; because if "effective measures of prevention" are taken, the thing which can be complained of cannot take place. Is it a reasonable interpretation of the expression "due diligence" that it shall absolutely prevent the performance of the thing sought to be prevented from being done? But they go still further, and they say with reference to the *Alabama* that the "measures taken after the escape of the vessel were so imperfect as to lead to no result," and that, therefore, they were not sufficient to release us from our liability for her escape. The measures to be taken, therefore, must not be the legal ones, but they must be successful ones. I maintain that the burdens thus cast upon us are such that no neutral nation can accept. Then they say, with regard to the *Florida*, that we did not "resort to measures adequate to prevent the violation of neutrality." In the case of the *Oreto* there was actually a trial, and this country had actually put in force the legal power it possessed, and yet, in spite of that, it is said by the Arbitrators that—

> "We cannot justify for a failure in due diligence on the plea of insufficiency of the legal means of action; and that the judicial acquittal of the *Oreto* cannot relieve Great Britain from responsibility under international law."

These matters are of the most serious character. But they go still further, and they say that if a ship gets out from one of our ports without being arrested, without any want of due diligence on our part, yet if she clandestinely augments her crew at Melbourne, we are responsible for her acts from that time. Mind, I do not here complain of the interpretation that the Arbitrators have put upon these Rules; all I say is that the country ought thoroughly to understand her exact position under them. On all these points, then—errors of judgment where there is no *crassa negligentia*, the non-seizure of vessels where the evidence is insufficient for condemnation, where there is judicial miscarriage, where there are acts of subordinates at any distance, where there is a delay for the purpose of investigating the facts, and where commissioned ships are permitted to depart or to coal, the neutral country is to be held responsible in future. Now, all I ask of the Government is whether, in submitting these Rules to foreign Governments for their acceptance, they have placed the same interpretation upon them that has been adopted by the Arbitrators. Is it reasonable that we should stand for the future on such a foundation, and ought we not at once to frame new Rules, or fix upon these a meaning more consonant with justice, in concert with America? If it is bad that the law should be doubtful at all, it is far worse that it should be doubtful after the decision under which it has been given. In future, if we, without protest or explanation, agree to be judged by these Rules, no Arbitrators can escape from putting the same interpretation upon them as the Geneva Arbitrators did; neither would it be open to us, after having so submitted to the Award, to take exception to the interpretation. I come now to the second point—that of ships which have escaped from this country by fraud, and which have subsequently been commissioned, re-entering our ports. We have been told that in such a case we are bound to seize them. That may be the case under the new Rules; but I maintain that, according to the international law that was in force in 1862, we were not only not bound to seize, but had not the power to seize, a commissioned ship belonging to a foreign country which was in our ports. The right hon. Gentleman says that the Arbitrators held that we should have been justified in seizing such a vessel on general principles, and quite independently of the new Rules; and the right hon. Gentleman further says that, in order to carry out the decision in future of the Arbitrators, we need not alter our municipal law. But I maintain, on the contrary, that under our Foreign Enlistment Act of that time we could not, and under that of 1870 we cannot seize a commissioned ship of war, which is in terms specially exempted from such seizure; and, moreover, that it would be hardly for the interests of peace that we should attempt to exercise the right of seizing an armed vessel which might happen to be in our ports. Those who have commissioned and not those then on board have become responsible. Then, as to the coaling of vessels. It is true that coaling under certain circumstances may be a breach of neutrality. But is it not notorious that the United States deliberately and constantly used our ports for the purpose of coaling? Now, the ground on which the Geneva Tribunal had arrived at their decision was this—that no belligerent was to be allowed to make use of any of our ports for the purpose of establishing a base of operations against another belligerent. But they go so far as to say that the act of coaling by any vessel supposed to be in the interest of a belligerent may be a breach of neutrality. Now, Sir Roundell Palmer, in his final argument before this Tribunal, contended, on the contrary, that coaling was perfectly admissible, and referred to the practice of the United States as a justification for this view of the matter. Notwithstanding, however, all the able arguments that were offered against including this practice in the category of illegal acts, the Arbitrators have made their Award in a contrary sense. If this interpretation of our rule be acquiesced in generally, it would have the effect of making neutrality so burdensome that it would be almost impossible to observe it strictly, and people would prefer going to war rather than be bound to adhere to it. What we wanted was a law of neutrality which might be fulfilled without imposing any such burdens upon the people as the Rules as interpreted by the Geneva Tribunal must create. Do not let us give up anything which unduly curtails our legitimate freedom. Let us have clear, definite, and decisive language as to what are or what are not our precise obligations. We must not be bound in such important matters by the loose language used by the Chancellor of the Exchequer in interpreting these Rules. It is not only our own interest, but also the interest of all nations with whom we enter into treaties, that their meaning should be as clear and as explicit as it is possible for words to make them.

MR. VERNON HARCOURT: What has been stated to-night must convince every hon. Member that this matter requires a great deal more consideration than it has hitherto received or can receive to-night. It is quite plain from what the right hon. Gentleman who has just sat down has said, that very grave questions have been raised which may influence the peace of the world. If we could accept the view of this Arbitration put forward by the Chancellor of the Exchequer at Glasgow—the only authoritative declaration upon the Arbitration yet furnished, by the way—we might have been spared this discussion and others which must necessarily ensue. The Chancellor of the Exchequer, in very characteristic language, stated that the Arbitration was an isolated affair; that it did not depend upon any principles of law whatever; that it was got together haphazard for a particular object, and that object being served, there was an end of it; that it was a case of spilt milk; that it was a bad job, and the less that was said about it the better. Now, if we could have taken this view of the matter we should have been spared much difficulty, and we might have been spared this discussion and all those which must necessarily follow on future stages of the proceedings. That speech was delivered shortly after the Award was published, when it is not very gratifying to be adjudged to have done wrong and then to have to pay a large sum of money. It was extremely important that the transaction should be placed in its true light, in order that the people of England should be reconciled to the Award; but the Chancellor of the Exchequer approaches this "grave subject," as he describes it, in these words:—

> "I have no doubt in the world that as a mere question of the law of nations, we were altogether in the right, that the law of nations was entirely in our favour, and that nothing could have been extracted on that ground."

If the law of nations was entirely in our favour, why were we pronounced to be in the wrong, and ordered to pay

£3,500,000? The Chancellor of the Exchequer explains that extraordinary position in this way. He says—

> "We adopted not the line which is taken by litigants when they oppose each other, but the line which is taken by friends when they have a quarrel. We did not care to investigate too narrowly as to the question of the law of nations, which, after all, is no law at all, which has issued from the mind of no Legislature, which is merely a collection of customs often created in a manner which would not bear very strict investigation."

["Hear, hear!"] The hon. Member for Brighton who says "hear" is, like me, a friend of peace; and I would advise him and those who join with him, in the interests of peace and in the interests of taxation, not to cast ridicule on the law of nations. I know that the pedagogues of jurisprudence and the prigs of technicalities have laid down definitions of law by which they have succeeded in excluding from that category the law of nations; but that has not been the language of statesmen in this country, and it is not the language of statesmen in any country who know what belongs to the interests of peace and justice. It was part of my business to make myself acquainted with Continental writers on this subject, and the charge made against England is that she has acted with habitual contempt of the law of nations. I believe this is a most unjust charge. But when this opinion is held by Ministers of the Crown, Continental writers will have more justice in the future than in the past in the language they have aimed at Great Britain in reference to the law of nations. The view which the Chancellor of the Exchequer presented on this affair was that it had nothing to do with the law of nations. But if it had nothing to do with the law of nations, then we owed nothing at all. I cannot understand the logic of the Chancellor of the Exchequer. He says that our course of action in this matter should be that of two friends who had quarrelled with each other—that it should not be quite according to the law of nations, or of any other law, but according to the law of justice and kindness—according to the law that would have us do to others as we would have them do to us. Now, I want to know if that is the law on which the Arbitration proceeded; because if you are going to attempt to reconcile the interests of neutrals and belligerents upon some vague idea that you can arrange upon the basis of doing to others what you wish they would do to you, you have no defence against the Indirect Claims at all. The Chancellor of the Exchequer gives this account of these Rules—he says, "Let us sit down and draw out such a rule of conduct in the abstract"—now, that is what these Rules are, they are the rules of the law of kindness in the abstract—"and then appoint persons of undoubted capacity, not as a tribunal to judge between us, the word is entirely misapplied; not to administer the law, but to say who was in the wrong." Yet I find in the Speech from the Throne it is called "the Tribunal of Geneva," the very phrase against which the Chancellor of the Exchequer at Glasgow loudly and solemnly protested. In the opinion of the Chancellor of the Exchequer, the Arbitrators who sat at Geneva were not, in the proper sense of the word, judges at all, but were arbitrators between individuals. But I always thought that an arbitrator was a judge, who acted upon principles of law, and that if he failed to do so, his award would be set aside. The Chancellor of the Exchequer seems to be under the impression that arbitrators do not act upon principles of law, and yet we have arbitrators sitting within a stone's throw of this House every day, who deliver judicial decisions with reasons for their judgments. And, indeed, according to my experience, the reasons for the decision of arbitrators on international matters are more often given than not. If the Chancellor of the Exchequer's view is the right one, we need not have discussed the matter at all, but we should have paid the money and shaken hands and been good friends again. I sometimes wonder whether the Treaty of Washington was ever submitted to the Cabinet. It certainly must have been a meeting of the Cabinet at which the Chancellor of the Exchequer happened to be absent, for he certainly could never have taken this view of the functions of an arbitrator. The Treaty of Washington says—

> "In deciding the matter to be submitted to the Arbitrators they shall be governed upon the following three Rules, and by such principles of international law as are not inconsistent therewith as the Arbitrators shall determine to be applicable to the case."

How is that possible in the face of the

declaration that the matter had nothing to do with international law? The Arbitrators acted according to the principles of international law. If I had not so understood, I would have protested against the Treaty at the very first moment. The article, after setting forth the Rules, proceeds thus—

> "Her Majesty's Government cannot assent to the foregoing Rules as a statement of the principles of international law which were in force at the time when the claims arose; but in order to evince its desire of strengthening the friendly relations between the two countries, and of making satisfactory provision for the future, agrees that in deciding the questions between the two countries arising out of those claims the Arbitrators shall assume that Her Majesty's Government had undertaken to act on the principles set forth in those Rules, and the high contracting parties agree to observe those Rules as between themselves in future, and to bring them to the knowledge of other maritime Powers, and to invite them to accede to them."

It is idle to say this was not a solemn international adjudication upon principles of international law, only modified and altered by rules which were deemed to be expedient for the purpose of that solemn adjudication. Then, that being so, it is quite impossible to give the go-by to the judgment of persons exercising those functions. Judgment was given against you upon certain reasons. Unless you protest against these reasons you admit that they are right. I shall not attempt to argue whether these reasons are right or wrong—whether, if they are right, they would be advantageous to England, or whether, if wrong, they would be injurious to England. But it seems to me plain that the country and the House of Commons, before we attempt to incorporate these Rules so interpreted, should have a better understanding from the Government, whether we are agreed upon the interpretation placed upon these Rules. If we agree in the interpretation of these Rules, why, then, let the Government take the responsibility of recommending the adoption of them. But if the Government are of the opinion expressed by the Chief Justice of England in his judgment on that Arbitration that these Rules are not sound and ought not to be accepted for the future, then I cannot understand how it is consistent with the position of Her Majesty's Government to recommend foreign countries to incorporate these Rules into the law of nations. I hope that we may have to-night some assurance from the Government that at an early period this question will be brought up, when we may have a full discussion and a real understanding of the position in which these Rules will place us and will place the world for the future, and whether these Rules are to be incorporated into the international law of the world, so far as concerns ourselves, and so far as we can influence the world. A great feature of these rules is that they are Rules which I believe almost for the first time in this form have attempted to define a principle. They differ in that respect from the Rules of the Declaration of Paris, 1856. The main point of that Declaration was that it defined acts which were or were not to be done. It declared that privateering was abolished, and, undoubtedly, privateering was abolished. There was no room for ambiguity on that subject. It declared that free ships made free goods. That was a doctrine which had been discussed for more than a century in Europe. Everybody knew what that meant. The moment England determined to accept that principle it was embodied in the Declaration of Paris, and there was no further difficulty about it. But here the Rules are of a character which creates ambiguity. No Court could differ upon the question of privateering, of free ships, and free goods; but when you come to apply principles like those to which I am referring, they lend themselves inevitably to great ambiguity and embarrassment. Before adopting these Rules, then, as binding in the future, for Heaven's sake let us understand what we mean by them. I said "before we adopt them;" but, unhappily, we have adopted them, and are bound to recommend them to other nations; yet Her Majesty's Government have not told us to-night whether they do or do not approve the principles of interpretation laid down at Geneva. The English nation ought to know whether the interpretation of the Judges at Geneva is or is not adopted by their Government. Foreign Governments must know, if these Rules are offered for their adoption; and I venture to think that we must have a great deal more discussion upon this subject than we can by any possibility have to-night. I confess I have read with the same admiration with which I think every Englishman must have read the masterly judgment delivered by the Lord

Chief Justice of England; and I never read anything with greater regret in my life than the censure which the Chancellor of the Exchequer thought it his duty to pass upon the Lord Chief Justice at Glasgow. We find a man of the eminent position of the Lord Chief Justice of England sent forth, as the representative of the Crown, to discharge his duty to his Sovereign and maintain the honour of his country. He does so to the best of his ability, and is bound by the Treaty to administer the law of nations under certain rules, and then the moment he reaches the shores of England on his return, the right hon. Gentleman says—

> "I think if the Chief Justice was of opinion that we ought to acquiesce quietly and without murmur in the Award, he had better not have published his arguments. If he had thought it right to publish his arguments, he had better have retrenched his advice."

That is a pretty sharp satire and sarcasm upon a person who was something more than a plenipotentiary of the Crown. How could the Lord Chief Justice help publishing his arguments? Was he, being charged to defend the honour of his country, to sit by in patience and in silence, when he heard imputations made upon that honour—imputations believed by him to be unfounded? Was he, being bound to administer these Rules under the law of nations, to sit by without a word when he heard doctrines laid down which he believed to be inconsistent with the law of nations; and was he by his silence to give consent to those doctrines? Was it not known by the Cabinet for days beforehand—I believe for weeks—that the Lord Chief Justice of England was going to deliver the judgment and publish his argument? If this was contrary to his duty—if he was bound to have held his tongue, why did he not receive instructions from the Cabinet to keep quiet? Why was he not told to pass unnoticed anything which might be said against his country and leave any adverse argument to go without protest? It would be impertinent on my part to attempt to offer any tribute of admiration to the Lord Chief Justice of England; but I entirely agree with speakers who have preceded me that the English nation owes him a deep debt of gratitude for the manner in which he performed his high functions, and that they have recognized with gratitude the services he has rendered. The Chancellor of the Exchequer went on to say—

> "Then as to the Arbitrators, I confess I also regret that they should have felt it necessary to deviate from the practice of ordinary arbitrators. They are not really Judges, not really a Tribunal, but simply Arbitrators."

I have already said that the Treaty of Washington constitutes a Tribunal; the Speech from the Throne has called the Arbitrators a Tribunal. They were Judges, they acted as Judges, they delivered judgment, and they have given their reasons for it. The net result of to-night's debate is that we are very much where we were before in our information as to the view the Government take of the position in which we stand for the future with reference to these Rules. Are these Rules hereafter incorporated into the law of nations, which I will assume—though the Chancellor of the Exchequer denies its existence or authority—Her Majesty's Government accepts as being the arbiter of the peace of the world? If they are incorporated into the law of nations, are they so incorporated with or without the interpretation placed upon them by the Tribunal of Geneva? It seems to me that, in the interest of this House, of the English nation, and of the civilized world, some declaration of opinion must be made before long whether the Rules by which we are personally bound are to be regarded as part of the law of nations.

THE CHANCELLOR OF THE EXCHEQUER: Before speaking of the law of nations, I may remind the hon. and learned Gentleman of another law which, though not perhaps to be found in any treaties or code, is nevertheless a tolerably well-established law of Parliament. The hon. and learned Gentleman has come down with my speech in his pocket; but though he has prepared this elaborate attack upon me, he has not thought it necessary to give me notice of the attack. Now, that may be a very good practice as between belligerents; but it is not a good instance of comity and fair play among English gentlemen. I will not, however, dwell upon this point, and am content that the hon. and learned Gentleman should enjoy all the advantage he may gain by a personal attack upon me for a speech which was made without any communication with my Colleagues, and made a great many months ago. I will endeavour to answer him as well as I can. In the first place, he finds fault with me for denying the existence of the law of nations. Now, I think the passage he read shows clearly that he has, of course unintentionally, misinterpreted what I said. I do not pretend to remember the words I used; but the sense of what I said was that it was a misnomer to call the law of nations a law in the sense in which we speak of municipal law, because it was not the result of the mind of any Legislature, but was collected from customs, from treatises, and sources of various kinds, and therefore did not form a law in any precise or accurate sense. That is not an unfair account of the law of nations, for you can nowhere find it embodied in any sort of code; nor is it accessible except in the manner I described. Therefore I treated it in my speech as being a thing which could not be defined with any great strictness and accuracy. What I meant to infer was, that though we were not liable here under the law of nations, still there might be good ground for saying that we might in fairness be liable for something. In that statement I see nothing to be ashamed of and nothing to retract. The next thing the hon. and learned Gentleman objects to is my statement that an arbitrator is not a Judge. Now, the hon. and learned Gentleman is a practising lawyer, while I have long since ceased to be one. But I appeal to any lawyers in this House whether it is not familiar to them that an arbitrator is not a Judge—whether he is not merely an agent between the parties for settling their disputes; whether the great difficulty which often arises in sustaining his awards and the facility of setting them aside does not arise from the very fact that the arbitrator is not invested with the protection and the authority which are given to a Judge; and whether his decision is not scanned as that of an agent rather than as a judicial decision? There are thousands of cases which bear out this doctrine, and in which enormous injustice has been done because the rule has been upheld; and the hon. and learned Gentleman must allow me to express my surprise that such a doctrine should have escaped him in the course of his legal studies. I do not know that there is anything else to defend in my speech. I gave my view as to the advantage we have afforded to the Americans, my view being that whereas we might be defeated then upon a strict view of the law of nations, it was better to run the chance of losing our case upon principles which were fair between man and man, than to stand upon any defence and any difficulties which we might raise under international law. I think we acted wisely in that respect. Then the hon. and learned Gentleman goes on to charge me with having been wanting in proper respect towards the Lord Chief Justice. Now, nothing was further from my intention and feeling than to be wanting in any respect for that learned Judge. I will state to the House candidly what I felt and what I said, and the reason which actuated my conduct. I have a sincere detestation and horror of war. That feeling is engrained in my nature; and the only way for the avoidance of war is, as it strikes me, to be found in arbitration. It must, however, be arbitration where the parties are content to leave the decision of the difference to persons whom they have selected to decide it, and the case should be decided without reasons being given for the decision. I pointed out, without wishing to impute anything against the actual Award, but as a warning for the future, that it would be far better that no judgment should be given, but that a decision should be pronounced without reasons. For what is the case now? Here we are, after having agreed, as the result of solemn debate, to submit the matterto Arbitrators whom we were willing to trust with the decision—here we are, on the first night of the Session, employing our time in criticizing the decision of the Arbitrators and in reopening all the points of difficulty which arose. That must necessarily be the result, if you will choose to refer these things to persons acting as Judges instead of as arbitrators; because then they must give their reasons, in which some persons will not agree, and the case will consequently be cropping up afterwards from time to time. Look at the case in which the Emperor of Germany was concerned. He gave his decision, but His Majesty having given no reasons, there was nothing to say or do, but to act upon the decision. I expressed my regret that reasons were given for the decision in the case of the Geneva

Arbitration, but not with any intention to speak otherwise than with the greatest respect of the Lord Chief Justice. That is my opinion, and what has happened to-night only confirms me in it. I have not spoken of the Lord Chief Justice in the language in which the hon. and learned Gentleman has spoken of him, and which filled me with unbounded astonishment. The Lord Chief Justice was sent to Geneva as an "arbitrator" to act impartially, and not to allow himself to be biassed by the fact of his being an Englishman, but to give his judgment on what he thought to be the merits of the case. That is my belief with regard to the Lord Chief Justice, with regard to whom I am arraigned by the hon. and learned Gentleman as having treated him disrespectfully. But how does the hon. and learned Gentleman himself speak of the Lord Chief Justice? He says that the Lord Chief Justice went out to Geneva as a "plenipotentiary" of the Crown—that he went there avowedly to do the work of England, merely as the agent of England, not to decide what was right as between the two countries, but biassed, and committed, without choice, to go all lengths in favour of England. Well, the Lord Chief Justice is certainly unfortunate in his advocate when the hon. and learned Gentleman, who involuntarily comes forward to vindicate his character, ends by throwing such a stigma upon him as that. But the conduct of the Lord Chief Justice negatives such a statement, because in some respects the learned Lord went against us. Then the hon. and learned Gentleman said that the Lord Chief Justice was sent to Geneva to defend the honour of this country; but the fact is that he was sent to arbitrate, and Sir Roundell Palmer and others were sent to defend the honour of the country. It would be a libel on the Lord Chief Justice to insinuate that he would undertake the office of going to Geneva nominally in the character of Arbitrator, but really to act as an advocate and plenipotentiary for this country. The hon. and learned Gentleman, pursuing the same line, says that the Cabinet ought to have sent the Lord Chief Justice instructions while he was at Geneva. Why, what does the hon. and learned Gentleman think of the Lord Chief Justice when he supposes that he would have condescended to allow any Cabinet to instruct him how to act in his capacity as Arbitrator? Had I said any of these things I should have deserved a far heavier censure than any that the hon. and learned Gentleman has cast on me; and I ask him to review his own conduct, and to see if he has not really laboured to injure the character of the Lord Chief Justice whom he comes forward so unnecessarily to defend? I have very little more to say. The hon. and learned Gentleman asked whether we had sent these three Rules to foreign countries; and, if so, whether we had accompanied them with the gloss or comment, or criticism, or decision—call it which you will—of the Arbitrators. It could hardly have escaped the acuteness of the hon. and learned Gentleman to perceive that it was superfluous to ask whether the three Rules had been communicated to foreign Governments, because the Treaty was laid before Parliament, and, therefore, Parliament was cognizant of the three Rules, and there is a provision in the Treaty which binds us to communicate them to foreign Governments and ask their concurrence in them. Therefore, it was not for hon. Members who had become parties to the transaction, and so are as responsible as the Ministers themselves, now to turn round and argue and declaim against all that they solemnly bound the Ministers to do. I say that we have no choice. The hon. and learned Gentleman further says that the Arbitrators at Geneva made certain comments and put certain constructions on these three Rules which rendered it difficult and dangerous for foreign countries to accept them. Supposing they have, what choice have we? The Treaty forces us to lay them before foreign countries. Then, as to the question, which it was almost ridiculous to ask, whether we are to lay the comments of the Arbitrators before foreign Governments, I should say not. But we are bound to lay the Rules before foreign Governments, and to ask their acceptance of them; and in doing so we discharge the obligation imposed upon us by the Treaty, and we are not likely to do more. I really cannot conceive in what respect blame is to be attached to the Government, and the right hon. Member for Buckinghamshire (Mr. Disraeli) admitted that we had taken the best advice in England—that of Sir Roundell

Palmer and others. The House, too, is just as responsible in the matter as we are, and therefore I apprehend that, whatever comments may be made on the Rules, we cannot be said to be in any way liable to censure, for censure implies choice, and we had no choice. But although the right hon. Gentleman says that the Arbitrators have put a different construction on the Rules, the text does not bear him out in some of his assertions. For instance, one of the Rules provides for what is to happen in case of the departure of a vessel, and he says that they have made the word "departure" apply to a second departure after the ship had been commissioned. But when we look at the consideration given by the Arbitrators, on which he founds that argument, we find that the consideration does not deal with the Rule at all. It is only stated as the present opinion of the Arbitrators. I submit that all this discussion on the interpretation or construction put upon these Rules by the Arbitrators is a very considerable waste of time, and Her Majesty's Government had no choice but to do what they have done. Whether the glosses and interpretations of the Arbitrators affected the Rules or not is a question not for us, but for foreign countries who are at liberty to take them into consideration and either to receive or reject them.

Mr. G. BENTINCK said, that the right hon Gentleman the Member for Buckinghamshire (Mr. Disraeli) had concluded his speech with a pious hope that the deliberations of the House might be guided by a higher power, and the turn this debate had taken showed that that aspiration was not unnecessary. The House had lost sight of the question as to how far the principle of arbitration was or was not desirable, and whether the honour of the country had or had not suffered from what had occurred. The latter question had not even been touched upon in the debate. He differed from the right hon. Gentleman (Mr. Horsman) when he said that the country had made up its mind to pay the Award without grumbling. He thought, on the contrary, that there would be a good deal of grumbling before the Award was paid. The opinion of the country was that the honour of England had been degraded by what had passed in the Geneva Arbitration. The hon. Member for Waterford (Mr. Osborne) had said that he approved both of the Arbitration and of the Judgment of the Chief Justice. He was rather surprised at that statement, for it certainly seemed to him that the Judgment was a condemnation of the Arbitration. Even the right hon. Gentleman at the head of the Government had spoken of arbitration with somewhat of hesitation, and had limited his approval of it to instances where it could be followed without dishonour. He would ask, what was the position of the country when the Alabama Claims were made by the United States? It was this—that by the existing law of nations we were not liable for a farthing. An *ex post facto* law was then invented, under which we became liable, and then a distinguished Member of the Government had told his constituents that he considered we had had a cheap job and had made an advantageous arrangement by paying £3,500,000 in order to avoid war with the United States. What did such language mean if not this—that the country had paid £3,500,000 rather than go to war, though it knew it was in the right in the controversy? So far from a resort to arbitration being likely to create good feeling between States, nothing was more likely to lead to a disruption of the ties which bound them together. The result of such an Award would be that we should have fresh demands made on us, and the country would be roused to a state of indignation which would bring about the very rupture it was desired to avoid. If we had said to the Government of the United States "we owe you nothing, and will pay you nothing," all matters in dispute would soon have been forgotten. With respect to our relations with Russia in Central Asia, we had so reduced our military and naval forces that the Russian Government, which was perfectly well informed on the subject, treated our Government with contempt and laughed at their remonstrances. The Treaty of Paris was torn up and thrown in the face of the Government after a war which cost the country many millions, but which, he agreed with the right hon. Gentleman (Mr. Disraeli), ought never to have been entered upon. No man in his senses believed that the progress or proceedings of Russia would be influenced in the slightest degree by any remonstrances which might be made by the Government of this country.

Viscount BURY said, there had been throughout the debate a very general consent as to the fact that the Treaty of Washington had produced for this country several very material benefits. First of all there had disappeared from our periodical view a claim on the part of America which was urged with great pertinacity, and which we at first rather haughtily refused to entertain, although we eventually agreed to refer it to Arbitration. In fact, we gradually ran through the whole descending gamut to the very extreme of conciliation. Before the Plenipotentiaries who negotiated the Treaty of Washington went across the water, the British people had become exceedingly tired of this subject, and were willing to pay a considerable sum for having it settled one way or another. Now the Treaty had been concluded, and we had got rid once for all of the Alabama Claims, which formed the principal subject of dispute. We had also derived other advantages under the Treaty. We had settled many other claims against us which arose during the Civil War in America; and we were to receive a cash payment, to be assessed by the persons appointed to decide what amount the Americans should pay us for a joint share of the Canadian Fisheries. Then we were to have for 10 years the navigation of Lake Michigan, and for the same period fishing rights on the coast of America, and the right of freely importing fish and fish oil into the United States. These were blessings which we ought to be duly grateful for; but it was possible that we might pay too high a price for them. The fact was that these benefits, be they great or small, acquired by Great Britain, had been mainly paid for, not by the people of these islands, but by the inhabitants of our Trans-Atlantic Dominion. That point had not been brought before the House; but he thought it would have been very graceful if some expression of sympathy with the Canadian people had been introduced in the Address in answer to Her Majesty's gracious Speech from the Throne in order to inform them that we recognized the fact that the benefits which had accrued to this country had been mainly purchased at their expense, and that we regarded with the greatest admiration the spirit of loyalty which induced them to submit without murmuring to the burdens imposed on their patriotism. When the Treaty was in course of negotiation the right hon. Gentleman the First Lord of the Treasury said that the Americans, and not we, first proposed to refer the Alabama Claims to Arbitration. This was quite true; but Sir Edward Thornton was instructed to press on Mr. Fish the claims of the Canadians for satisfaction in respect of certain grievances which had accrued to them during the American War. Mr. Fish took occasion to say that the principal subject in dispute between the two nations was the Alabama Claims, and straightway it was settled that the Canadian grievances, which Sir Edward Thornton was at first instructed to bring under the notice of the Americans, should be set aside, and the Alabama Claims substituted. At all events, the Canadian claims were not thoroughly discussed. A dispute had arisen between the First Lord of the Treasury and his right hon. Friend who sat near him (Mr. Horsman) as to whether or not the Americans demanded as a prior condition of entering into negotiations that an apology should be given. The truth was that it was not until the Alabama Claims had been for some time under discussion, and the new Rules submitted for approval to the British Cabinet, that our Government consented to give an apology. In the first instance, however, they refused to do so, and consequently the apology could not have been a condition precedent for entering into negotiations. Then the new Rules, as the right hon. Gentleman had remarked, were not proposed by the Americans in the first instance, as the first draught was written by Lord Granville, and forwarded with the instructions to the Plenipotentiaries at Washington. The Americans, however, were not satisfied with the concession, and demanded that the new Rules should be made retrospective. At first the British Plenipotentiaries said we were not responsible for what had occurred, and denied all liability for the escape of the *Alabama*, but within a few days they tendered the apology which was embodied in the first Article of the Treaty. If they were right at first in refusing to give an apology, surely nothing had occurred within a fortnight to make them change their views on this point? The whole statement of the British Case was to the effect that we never committed the acts with which we were charged, and that, although we might feel sorry the commerce of the Americans had been crippled, yet to express such regret in a treaty would be to concede the whole point at issue, and to lower the dignity of England. The First Lord of the Treasury had asserted there was no connection whatever between the guarantee given to the Canadians and the reference of the fisheries to arbitration. He was at a loss to account for what the Prime Minister had said seeing what the facts were. In a communication made by the Privy Council of Canada it was stated that the proposed solution was distasteful to the people of Canada, and it was impossible it could be acquiesced in by them. After considerable correspondence, a guarantee of £4,000,000 on the Pacific Railway was suggested as a *quid pro quo* for the concessions to be made. Lord Kimberley offered one of £2,500,000, and that was accepted, and it was therefore difficult to account for the Prime Minister denying that the guarantee and the fishery question were connected. For himself he would not describe the guarantee as a bribe, because he did not regard it as a benefit, and there were Canadian financiers who believed Canada would have raised money on easier terms without it. Another point of great importance was found in the Fenian raids which were made from America into Canada in 1865, 1866, and 1870. These expeditions were organized in America and officered by men owning American allegiance, and for those grievances Canada very properly demanded redress. At Washington it was proposed to set up these Fenian raids against the Alabama Claims; but the result was, that it was found that the three new Rules which had just been assented to were to be used as against England, but not as against America, and the Americans positively refused to discuss the Claims arising out of the Fenian incursions at all. Under all the circumstances Canada had very grave reasons for being dissatisfied with the position we occupied. In the Reciprocity Treaty of 1854 the free navigation of the St. Lawrence was acknowledged not only to be ours, but to be something of great value; it was set off against one of the free trade Articles; and the Article said that the free navigation of the river and of Lake Michigan should continue in force as long as Great Britain allowed the Canadians to have it. Therefore, the United States had no right to say, as they did at Washington, that they were even with us in the possession of the free right to navigate the St. Lawrence. We yielded without a single word a right which was of great importance, and better terms might have been obtained for us. Every single point was yielded by our negotiators. We might congratulate ourselves on having got rid of some difficult questions; but we did it at the price of a series of concessions which he did not think a first-rate Power ought to have made. On the authority of a great lawyer, he affirmed that the new Rules imposed upon neutrals a burden which they had never borne before, their whole tendency was to remove burdens from belligerents to neutrals; and they would be a burden to our neutral commerce such as it had never before endured, and which would be found unendurable. It was obviously impossible that in future Rules which existed only as between the United States and ourselves could be quoted in our favour. If the Americans had always acted up to the principle of those Rules, what could they do more under them, and how were we benefited by them? We had put an interpretation on "due diligence" such as would invariably be quoted against us in future. There was one question which he wished to put to the Government before he sat down—it related to the running of a boundary between the Russian possessions in North America and our territory in British Columbia. There was a grave question underlying that point, which would be just as bad as the San Juan difficulty unless it was speedily settled. He wished to ask the Government, whether any steps would be taken for carrying out the recommendations of the President of the United States to run a boundary at once between Alaska and our possessions?

SIR STAFFORD NORTHCOTE: It is impossible to sit by and listen silently to such statements as have been made twice or thrice in the speech of the noble Lord that all the benefits obtained by this country by the Treaty of Washington were obtained at the expense of Canada, and that Canadian interests were trifled with by the Commission. I dispute them. It has been my misfortune to hear many things said with regard to the negotiations which I could not admit to be accurate, and which were much the reverse, but they were upon matters which I do not feel it necessary to touch upon; but really, after the way in which the noble Lord has spoken, it is important that a few words should be said on the subject. It has been rather the fashion of late of certain persons who hold very different views, as I am aware, from those of the noble Lord, upon the importance of maintaining our Colonial Empire, and who are not unwilling to sow dissension between the mother country and the colonies, to say to the colonies, "The mother country makes every possible use of you, but throws you over whenever your interests are concerned." I hold that to be most mischievous language, and it is altogether untrue. I protest against it. Throughout these negotiations, the interests of our great colony, the Dominion of Canada, were carefully considered. There was nothing more present to the minds of the Commissioners and the Government than to obtain such a settlement as would be for the interests and benefit of Canada. I totally and wholly deny that the Canadian bargain was a bad one. Putting the settlement of the Alabama Claims altogether out of the question, and looking at the Treaty simply as affecting Canadian questions, it was an extremely good arrangement for the Empire in general, and for Canada in particular. On one point I agree with the noble Lord in his criticisms—that the claims of Canada for compensation for the Fenian raids were set aside. Canada had a right to complain of these raids and expect some compensation. There was some difficulty in the matter, and the compensation was not granted; but it was always frankly acknowledged by the Government that the claim was a reasonable one, and always a matter of regret that no compensation could be obtained for them. But when the noble Lord complains that the rights of Canada have not been fully discussed, I say that we did fully discuss them, and even that we made on behalf of Canada the very best bargain we could. The noble Lord spoke of the fisheries—was that a bad bargain?

Viscount BURY explained. He did not mean to enter into the subject of the fisheries, because they were referred to arbitration.

Sir STAFFORD NORTHCOTE: That is exactly what I complain of. It is this loose language which does so much harm. He complains that the interests of Canada have been sacrificed; but he does not tell us how. The noble Lord is perfectly aware that this matter has been discussed in the Dominion of Canada, and the Treaty was affirmed by more than two to one in the Canadian Parliament, and by nearly the whole of the members of the maritime provinces; at all events an overwhelming number of them voted in favour of the Treaty on the express ground that those whose interests were concerned were perfectly well pleased with the bargain that had been made, because it gave the Canadian the right of importing their fish into the Canadian market. The noble Lord spoke of the navigation of the St. Lawrence, but what is that we have conceded? Montreal is a free port, and there was no concession in allowing foreign vessels, American or other, to come up to it. Above Montreal the natural course of the river is of no use for navigation upwards, and not much downwards. You must use the canals, and the canals have not been thrown open. After all, this was not an isolated transaction. It was part of the whole transaction, which included the navigation of the canals and the right of transit through the United States. I say, if we went into the detail of all these questions, you would find that Canada had got by no means a bad bargain. But, whether it was so or not, it was certainly not owing to any want of fully considering her claims or any undue concession to America. Every point was fully and fairly discussed. The noble Lord says everything the Americans asked was conceded; but that was not so; they asked for much which was refused, and some of the advantages we obtained for Canada were carried with very great difficulty.

Mr. BOUVERIE: I think, apart from the argument and authority of the right hon. Gentleman, there is this to be said to show that the interests of Canada were not wholly neglected during the negotiation, that Canada was represented in the Commission at Washington y one of the ablest and most courageous f public servants—Sir John Macdonald. s long as he was there he would take are that the interests of Canada were ot neglected. I have no wish to make speech; but I wish to remonstrate and rotest against the doctrine laid down in he course of the few observations made y the Chancellor of the Exchequer. He argued to this effect—he said deli- erately that Parliament was a party to he Treaty of Washington. The House f Commons, he said, could not question what had been done under the Treaty of Washington, because the House of Commons were parties to that Treaty. Now, hat is exactly what we are not. It was he Crown that made the Treaty, and he Ministers of the Crown are responsible to Parliament. The Treaty was not made by the vote or action of either House of Parliament. The Ministers are responsible for the Treaty, and the full right is still in the House of Commons to enforce their views of that Treaty. One word as to the Treaty. I believe the country at large accepted it, not because they at all liked it, but because they thought it a by-gone matter, and that it was well to pass a veil of oblivion over all these transactions. They could not feel proud of the result of the Treaty. I did not observe, indeed, that either the right hon. Gentleman at the head of the Government, or the Chancellor of the Exchequer expressed any satisfaction at the particular results or outcome of the Treaty. On the contrary, I think they must have been grievously disappointed at the decision of the Arbitrators; because the language always held by Ministers in their places led to this inference—that they fully believed that even under the three new Rules this country would be able to show that due diligence had been used, and that they had faithfully discharged all their duties as a neutral. However, we have been cast in damages to the extent of £3,500,000. We have that to pay; but it is remarkable that the Rules which are now presumed to be established between the United States and ourselves, and which we are bound to get other nations to adopt, are Rules extending very much the duties and obligations of neutrality in case of a war at the very time in the history of the world when we are likely to be more neutral in any great war in the world than we ever were before. We have involved ourselves in far heavier obligations as neutrals than ever were dreamed of before on the part of any neutral nation. I therefore think the Government before they accepted these three Rules ought to have seen that the United States were committed to something they were not committed to before. I trust, however, that at no time in the future history of these two great countries is there any likelihood of such differences arising between us as would involve the attempt on our part to enforce these Rules against the United States. As I have said before, the feeling of the public is that the matter is a by-gone; they are not proud of the result, they do not think it satisfactory to contemplate no surplus during the present year, and they hold it would be much pleasanter that the Chancellor of the Exchequer should have £3,500,000 to dispose of in the remission of taxation. But the Treaty having been entered into on the responsibility of the Government, if any fault is to be found it must be found with the Ministers of the Crown, and the House of Commons is not to be saddled with any responsibility on account of it.

MR. GLADSTONE: I wish to offer some explanation with reference to an inaccurate statement which I made in the course of my speech. In answering a question put by the right hon. Member for Buckinghamshire (Mr. Disraeli) as to steps for inviting the other Powers to assent to the three Rules, I confounded some informal proceedings with a formal invitation. The exact truth is no invitation such as the Treaty contemplated has been addressed to foreign Powers, for the matter was suspended in consequence of the discussion which arose on the Indirect Claims, and it has not been thought that the time has yet arrived for resuming it.

Motion *agreed to.*

Committee *appointed,* to draw up an Address to be presented to Her Majesty upon the said Resolution:—Mr. LYTTELTON, Mr. STONE, Mr. GLADSTONE, Mr. CHANCELLOR of the EXCHEQUER, Mr. Secretary BRUCE, Mr. Secretary CARDWELL, Mr. GOSCHEN, Mr. WILLIAM EDWARD FORSTER, Mr. CHILDERS, Mr. CHICHESTER FORTESCUE, Mr. MONSELL, Mr. STANSFELD, Sir HENRY STORKS, Mr. KNATCHBULL-HUGESSEN, Mr. WINTERBOTHAM, Mr. GLYN, and Mr. ADAM, or any Three of them:—To withdraw immediately:—Queen's Speech *referred.*

PARKS REGULATION ACT.

NEW RULES.

MR. BRUCE gave Notice that on Monday he would lay on the Table the Rules to be substituted for the Rules now regulating the delivery of addresses in the Parks.

House adjourned at half after Eleven o'clock.

HOUSE OF LORDS,

Friday, 7th February, 1873.

MINUTES.]—PUBLIC BILL—*First Reading*—Turks and Caicos Islands* (2).

PRIVATE BILLS.

Ordered, That this House will not receive any petition for a Private Bill after *Friday* the 21*st day of March* next, unless such Private Bill shall have been approved by the Court of Chancery; nor any petition for a Private Bill approved by the Court of Chancery after *Friday* the 9*th day of May* next:

Ordered, That this House will not receive any report from the Judges upon petitions presented to this House for Private Bills after *Friday* the 9*th day of May* next:

Ordered, That the said Orders be *printed* and published, and affixed on the doors of this House and Westminster Hall. (No. 9.)

THE DEBATE ON THE ADDRESS.

EXPLANATION.

THE DUKE OF RICHMOND: My Lords, with your permission I wish to make a correction in reference to a few words which fell from me last evening. It will be in the recollection of your Lordships that I quoted a newspaper report of the proceedings on an occasion when a deputation waited on the right hon. Gentleman the Secretary for the Home Department. From that report it appeared that the gentlemen composing the deputation made some very extravagant statements, and the right hon. Gentleman was reported to have said that he agreed more or less with those statements. I then asked whether the right hon. Gentleman adhered to the same opinions. My Lords, this morning I received from Mr. Bruce a letter, in which he says—"You will much oblige me by stating in the House of Lords my unqualified contradiction of the accuracy of the report quoted by you." I am exceedingly glad to receive this statement from the right hon. Gentleman, and of course I am happy to make the correction he desires. I will only add that I am very glad that the right hon. Gentleman has repudiated the sentiments attributed to him.

EARL GRANVILLE: Every one who has any experience of deputations knows that the members of the deputation sometimes give their own reports of what they conceive to have occurred when they were received; and as they have neither the training nor experience of the gentlemen who sit in our gallery, we cannot look for the same accuracy in their reports.

LANDS IMPROVEMENT ACTS (IRELAND).

MOTION FOR A RETURN.

THE EARL OF BELMORE, in rising to move for certain Returns in a specified form, of the total amounts sanctioned by the Board of Public Works in Ireland for loans under the Land Improvement Acts since January 1, 1871, said, that last August the Lord Lieutenant, in a speech at Belfast, had alluded to the amounts with a view of showing the advantage which he considered had accrued from the Land Act of 1870. Now, he (the Earl of Belmore) did not in the least dispute the fact that loans were sanctioned to the extent stated by his Excellency; but what he did doubt was, whether any very considerable sums had been borrowed by landowners with a view to their being laid out on lands not in their own occupation. For this reason he moved for these Returns.

THE EARL OF KIMBERLEY said, that there was no objection to giving the Returns.

Motion *agreed to.*

Return of the total amount of all loans under the Land Improvement Acts sanctioned by the Board of Public Works in Ireland since 1st January 1871; to be made in the following form:—[*Tabular Form*]—Ordered to be laid before the House.—(*The Earl of Belmore.*)

EXTRADITION TREATY WITH SPAIN—THE "NORTHFLEET" AND THE "MURILLO."—QUESTIONS.

THE EARL OF CARNARVON: My Lords, the Question of which I have given Notice does not require any engthened preface because the facts of he sad event to which it has more immediate reference are so recent that they must be in the recollection of your Lordships. It is only about 10 days ago that off Dungeness Point the emigrant ship *Northfleet*, having on board a large number of passengers, was run into by a vessel assumed to be the Spanish steamer *Murillo*, which steamed away after the collision without rendering, or attempting to render, any assistance to the emigrant ship. Assuming that version of the disaster to be correct, the act of the *Murillo* in deserting the *Northfleet* under such circumstances was one of the greatest iniquity and inhumanity that it is possible to conceive; but, apart from this particular instance, I think it desirable that we should understand the bearings of the case. I apprehend that if an English subject commanding a vessel acted in such a manner he would be answerable first of all civilly in the Court of Admiralty, and next criminally by an indictment for manslaughter — the fact of his making away after the collision without having given any assistance being probably taken as evidence of wrong intention on his part. It appears to me that in the same way a foreigner who has escaped to his own country could be made answerable in the English Courts, supposing always that there was an Extradition Treaty with the country to which he belonged; and I conclude that even where no Extradition Treaty existed, such a foreigner would be at once made amenable in the Courts of this country if he ventured to come here. But I wish to know from my noble Friend the Secretary for Foreign Affairs, whether there is any Convention or Extradition Treaty with the Government of Spain, by which, under such circumstances as those of the recent collision of the Spanish steamer *Murillo* with the English emigrant ship *Northfleet*, the master of the *Murillo* can be made answerable to the criminal jurisdiction of this country for an offence alleged to be committed in English waters? I am afraid there is not. From a Return laid before Parliament last year I find that there are four Extradition Treaties between this country and other nations—namely, the United States, France, Denmark, and Germany; and we know, by a passage in the Speech from the Throne, that an Extradition Treaty has been concluded with Belgium. But there is a footnote to the Return which I have quoted, in which it is stated that negotiations were on foot for Treaties with other countries. Well, then, I want further to ask whether or not, in such a case as that of this collision—assuming the master of the *Murillo* to have acted as alleged—such a case would be covered by an Extradition Treaty? In three out of the four Treaties, while murder and attempt to murder are included among the offences for which Extradition will be granted, manslaughter is not. It is only in the case of the last of these Treaties—that with Germany—that manslaughter is provided for; and in this Treaty with Germany alone, which seems to have been prepared with unusual care, the case of sinking a ship at sea is provided for. But, obviously, cases of this kind should be included. There can be no doubt that, owing to various causes, the danger to ships in the Channel has much increased of late years. Everybody, whether professionally acquainted with the sea or not, must be perfectly aware of that. There has been a large addition, not only to ordinary sailing ships, but to the number of steamers, and the recklessness of the masters of some of those steamers amounts to positive crime. These vessels, often ill-found, with few men on board, with no watch set, run down the Channel in thick fogs without slackening speed. Cases have come before the Admiralty Court itself in which recklessness amounting to nothing short of manslaughter has been clearly shown. I am afraid that there are Atlantic steamers belonging to respectable firms the masters of which make it a boast that they never slacken speed in the thickest of thick weather. The sinking of the *Northfleet* is a great catastrophe, because it involved the loss of some 300 lives; but the occurrence itself is not an exception. Cases have occurred in which the loss of life was not so great, but which were caused by recklessness quite as great, and attended with quite the same amount of inhumanity. Now that the matter has been brought home to the whole country by this collision in the Channel, I cannot help pressing on the Government the importance of first of all revising our own regulations. There should be a regulation requiring a difference to be made between the signals for pilots and those intended to indicate distress. There should also be a reconsideration of the terms on which certificates are granted to masters of Channel steamers; for I believe that the greatest abuse often exists in this respect; and I have always thought, though I am aware of great difficulties, that a greater number of boats might with advantage be required to be carried by emigrant ships. But I would suggest to my noble Friend that the Government should avail themselves of the present opportunity of not only revising our own regulations, but also of, as far as possible, securing satisfactory international arrangements with reference to those dangers. As a number of Extradition Treaties have yet to be concluded, a more satisfactory arrangement ought to be come to with other nations in reference to a matter of such importance. I have no doubt that my noble Friend will answer the Questions I have put; and I hope to hear from him, on the part of Her Majesty's Government, that the whole subject shall receive their consideration at a very early period.

THE EARL OF ROSEBERY wished to ask his noble Friend the Secretary for Foreign Affairs, What progress had been made with regard to Extradition Treaties since the last announcement on the subject? On two occasions last year he had called attention to the state of our Extradition Treaties. On one of those occasions his noble Friend (Earl Granville) replied that such a Treaty had just been concluded with Germany, and that others were in progress of negotiation with Spain, Italy, the Netherlands, and Austria. But their Lordships had heard nothing more of those latter Treaties. The noble Earl also announced that negotiations were going on for new Treaties with Denmark and the United States. That would require some explanation, because it would be in the recollection of their Lordships that a Treaty with Denmark was signed as recently as 1862. As to the existing Treaty with the United States, he did not see why that should be put an end to. He supposed six months' notice had been given; but he hoped the noble Earl would state why that had been done. At the time the noble Earl spoke of all those Treaties, the one with Belgium had been already ratified—so that it would appear no progress had been made since last Session. He concluded, therefore, that some obstacles existed, because no Peer in that House, nor any person in this country, was more impressed with the importance of this Extradition question than the noble Earl the Secretary for Foreign Affairs. He hoped, therefore, the noble Earl would state why it was that no progress had been made during the Recess. It seemed to him that this was a matter in which everyone had a deep interest, and he hoped the time would come when it would be impossible for a criminal in one country to avoid punishment by fleeing to another. The appalling catastrophe of the *Northfleet*, reaching as it did to the very hearts of the people, was eminently qualified to strengthen the hands of the Government in their endeavours to bring this about.

THE EARL OF LAUDERDALE said, there could be no excuse whatever for a vessel which had struck another leaving that vessel without waiting to see what damage had been done, except the persons on board the vessel making away were of opinion that their own vessel was sinking. Even in that case her best chance was to remain close to the other vessel till they saw whether she also was sinking, which it was very possible she might not be. A vessel running into another was generally the result of going at too great a speed, which prevented her from being able to stop in time to prevent the accident, and the sooner a law was passed to prevent steam vessels running beyond a certain speed through a place known to be much frequented by shipping—the Channel, for instance—the better. At all events, no vessel which had come into collision with another should be permitted to run away until it had ascertained what amount of damage had been done to the other.

EARL GRANVILLE: My Lords, it has been found convenient that Notice should be given when Questions are proposed to be asked in your Lordships' House, and I venture to suggest that it would also be convenient if all the Questions proposed to be asked were included in the Notice. Nothing could have been more simple than the Question put on the Paper by my noble Friend opposite (the Earl of Carnarvon), and nothing would have been more simple than to give it a direct answer; but other Questions have been put which, even if Notice had been given of them, I doubt whether it would be prudent to reply to. I doubt whether even after Notice it would be expedient to lay down the exact bearings of our own municipal law on an hypothetical case, and to lay down the exact limits within which the existing Extradition Treaties would have a bearing is what I can scarcely be expected to do without Notice. We have no Extradition Treaty with Spain; but we are actively negotiating at the present moment with the view of having one completed. The draught Treaty recently received has been referred by the Foreign Office to the Home Office for observations, and these have made further negotiations necessary before the Treaty can be concluded. I am not astonished that my noble Friend behind me (the Earl of Rosebery) should have said that there are no visible signs of progress in respect of some of the Treaties to which I referred last Session; but I am happy to say that though the signs are not visible the progress has been considerable. With regard to the United States, the fact is we sent proposals to the United States last year; but in consequence of the Presidential election, and other circumstances, our proposals were delayed till within a very few days ago. I am, however, happy to say that we are likely to agree to the terms of a Treaty. I believe all difficulties have been removed, and the American Government is anxious that the Treaty should be ratified by the Senate before the Session closes. With regard to Treaties with other countries, there is the old difficulty of different definitions of crime in different countries. There are also difficulties in our own law. A month ago we proposed to the Home Department to consider whether it would not be desirable to make amendments in our own law with the view of meeting these difficulties; the Home Office is now engaged in considering the subject, and I hope we shall soon be able to present a draught Bill for the purpose of giving effect to what we think necessary. As to Switzerland, I am not aware of any difficulty except one which has recently arisen. The present state of the law requires the intervention of a diplomatic agent, and the Swiss have no diplomatic agent —nothing but a consul. Some time ago Lord Lyons stated to us good reasons why it was not desirable then to hurry on the negotiations with France; but the circumstances to which he referred have since disappeared, and we are now in communication with the French Government on the subject of the Treaty. A curious difficulty has arisen in the case of Portugal. There is no capital punishment in that country, and the Portuguese Government wanted us to insert in the Treaty an undertaking that capital punishment should not be inflicted in this country on anyone delivered up under the Treaty. We did not feel justified in agreeing to the insertion of such an undertaking. With regard to Austria, there have been difficulties on several points; but they have been so far removed that I think that we have now established a fair basis for coming to a satisfactory conclusion. As to Holland, we have been awaiting the action of the Dutch Ministry, who are amending their own laws on some not very important points. I think, therefore, I am justified in saying we have made sensible progress. It is impossible to know what difficulties may start up, but I believe we shall be able to conclude a number of those Treaties. I cannot sit down without saying how entirely I concur with the noble Earl as to the dreadful disaster which happened to the *Northfleet* the other day. I can assure your Lordships that all the circumstances connected with it immediately excited the attention of the Government. I shall not state what steps were taken, because Papers which will shortly be laid before Parliament will put your Lordships in possession of all the communications which have passed on the subject; but I may further inform your Lordships that the Board of Trade is attentively considering what steps it may be able to take with the view of diminishing those evils, which I am afraid it will be impossible to altogether provide against.

TURKS AND CAICOS ISLANDS BILL [H.L.]

A Bill "to enable Her Majesty by Order in Council to annex the Turks and Caicos Islands to the Colony of Jamaica"—Was *presented* by The Earl of KIMBERLEY; read 1ª. (No. 2.)

House adjourned at a quarter before
Six o'clock, to Monday next,
Eleven o'clock.

HOUSE OF COMMONS,

Friday, 7th February, 1873.

MINUTES.]—Select Committee—Public Accounts, *nominated;* East India (Finance), *appointed;* Imprisonment for Debt, *appointed.*

Public Bills — *Resolutions in Committee — Ordered—First Reading*—Burials * [9]; University Tests (Dublin) * [12]; Permissive Prohibitory Liquor * [14]; Occasional Sermons * [22]; Public Worship Facilities * [27].

Ordered—First Reading—Polling Districts (Ireland) [1]; Local Government Supplemental * [2]; Household Franchise (Counties) * [3]; Poor Law (Scotland) * [4]; Ancient Monuments * [5]; Municipal Officers Superannuation * [6]; Married Women's Property Act (1870) Amendment * [7]; Agricultural Children * [8]; Seduction Laws Amendment * [10]; Habitual Drunkards * [11]; Prison Ministers Act (1863) Amendment * [13]; Marriage with a Deceased Wife's Sister * [15]; Local Taxation (Accounts) * [16]; Women's Disabilities * [17]; Canonries * [18]; Salmon Fisheries * [19]; Real Estate Intestacy * [20]; Hypothec Abolition (Scotland) * [21]; Union Rating (Ireland) * [23]; Married Women's Property Act (1870) Amendment (No. 2) * [24]; Sites for Places of Religious Worship * [25]; Parliamentary Electors Registration * [26]; Union of Benefices * [28]; Contagious Diseases Acts Repeal (1866—1869) * [29]; Aldermen and Councillors Qualification * [30]; Fires * [31]; Parliamentary Elections (Expenses) * [32]; Bastardy Laws Amendment * [33].

COMMITTEE ON BUSINESS OF THE HOUSE.—QUESTION.

Sir HENRY SELWIN-IBBETSON asked the First Lord of the Treasury, Whether it is the intention of the Government, in consequence of the Orders relating to the Business of the House passed last Session having lapsed, to move for a Committee on the subject?

Mr. GLADSTONE, in reply, said, that when the Government made a proposal on this subject on a former occasion there was a considerable division of opinion in the House with respect to it. At present their condition was such that they could not afford to spend time on discussions that would be resultless, and on that account they did not propose to appoint a Committee. At the same time, if they had any reason to believe that there was a general concurrence of opinion in favour of such a measure, they should be very glad to avail themselves of it, and to make the Motion suggested.

Sir HENRY SELWIN-IBBETSON said, that in consequence of the answer just given by the right hon. Gentleman, he would, on an early day, call attention to the present state of the Rules with respect to the Business of the House, and submit a Resolution on the subject.

THE ALABAMA CLAIMS.—QUESTION.

Mr. STAVELEY HILL asked the First Lord of the Treasury, Whether it is intended to lay upon the Table of the House the Judgment of the Lord Chief Justice of England and the other Arbitrators at Geneva upon the Alabama Claims?

Mr. GLADSTONE believed that the whole of the Papers comprehended in the Question of the hon. Gentleman had already been laid on the Table, and were included in Papers presented on the preceding night.

BOARD OF TRADE—FOG SIGNALS. QUESTION.

Mr. EASTWICK asked the President of the Board of Trade, Whether the recent visit of the Deputy Master of the Trinity House to North America was made in an official capacity and at the public expense; and, whether the results of that visit have been or will be communicated to the Board of Trade?

Mr. CHICHESTER FORTESCUE, in reply, said, that the recent visit of the Deputy Master of Trinity House to Canada was an official visit, and was undertaken principally for the purpose of making inquiry into the experience obtained by light-house keepers on the subject of fog signals. The result had been communicated to the Board of Trade, and they had communicated it to the other light-house authorities. They had reason to believe that the information obtained would be found extremely valuable.

CRIMINAL LAW—TREATMENT OF UNTRIED PRISONERS.—QUESTION.

Mr. BRADY asked the Secretary of State for the Home Department, If he intends making any alteration in the present mode of detaining persons charged with crime prior to their being committed or discharged after inquiry before a magistrate or magistrates?

Mr. BRUCE, in reply, said, that the rules relating to the detention of prisoners were, under the Prisons Act of 1865, made by the Justices in Quarter

Sessions. They were subsequently laid before the Secretary of State, who affirmed them after consultation with the Inspectors of Prisons. Most of the existing prison rules had been made, examined, and affirmed in the years 1865 and 1866. It was competent to the Justices to make the rules which had been made, and to make further rules, and they ought undoubtedly in so doing to be guided by considerations of justice and humanity, and a due regard for the position of persons against whom no *primâ facie* charge had been proved. The Secretary of State had no power to initiate an alteration in the rules; but he had no doubt that after the attention which had been directed to the subject the Justices would examine the existing rules so as to modify any regulations that did not sufficiently provide for the proper treatment of untried prisoners.

COAL SUPPLY.—QUESTION.

MR. CORRANCE asked the First Lord of the Treasury, Whether it is the intention of Her Majesty's Government to institute any inquiry, by commission or otherwise, into the causes which have led to the existing failure in the supply of Coal?

MR. GLADSTONE: I cannot wonder that, in the present extraordinary and very exceptional state of the market for the supply of coal, the public interest that is felt with regard to it should find expression in the Question of the hon. Gentleman. And I may say that a proof that we do not regard the question of the supply of coal as absolutely beyond the view and action of the Executive Government may be found in the measure adopted by the Government some time ago, when a Commission was appointed for the purpose of investigating and prosecuting an inquiry with respect to that supply. But, of course, the Question of the hon. Gentleman has reference to the momentary state of the market. Well, with respect to that subject, so limited, I will confine myself to stating that we do not intend to make any inquiry by Commission or otherwise, and the reason we have arrived at that decision is, that we doubt very much whether it is a subject in respect of which any prominent action or interference of the Executive Government would be advantageous.

THE CIVIL SERVICE (IRELAND).
QUESTION.

MR. PLUNKET asked the Chief Secretary for Ireland, Whether the Commissioners appointed to inquire into the case of the Civil Servants of the Crown serving in Ireland have made their Report; and, if so, whether Her Majesty's Government will lay their Report upon the Table of the House?

MR. BAXTER: The Commissioners have made a general Report, and they have also made particular Reports with respect to the Dublin Metropolitan Police, Royal Irish Constabulary, Resident Magistracy, the Local Government Board, and the General Register Office. These Reports are now under the consideration of the Government, and pending their decision upon them it is not proposed to lay them upon the Table of the House.

DIGEST OF SANITARY LAW.
QUESTION.

SIR MICHAEL HICKS-BEACH asked the President of the Local Government Board, When the digest of Sanitary Law, stated by him in April 1872 to have been "already put in hand," will be circulated among the sanitary authorities; and why there has been so much delay with regard to a work the publication of which was admitted by himself to be extremely desirable, and was promised soon after the passing of the Public Health Act of last Session?

MR. STANSFELD, in reply, said, the digest of Sanitary Law which he stated last April to be in preparation, was completed in the autumn and considered by him before he left town; but it appeared to him to be in a shape more suitable for publication on private account than by a Government Department. Another digest had accordingly been prepared, and was already in type, so that it might speedily be distributed among sanitary authorities.

ENDOWED SCHOOLS ACT.—QUESTION.

SIR MICHAEL HICKS-BEACH asked the Vice President of the Privy Council, Whether it is proposed to proceed with any opposed schemes of the Endowed Schools Commissioners before the Select Committee, whose appointment he intends to move, have made their Report on the working of the Endowed Schools Act?

Mr. W. E. FORSTER, in reply, said, that neither the Endowed Schools Commissioners nor the Education Department were of opinion that the appointment of a Select Committee ought to prevent their proceeding with schemes for the reform of endowed schools in fulfilment of the Act. To hang up all opposed schemes would stop the work altogether, for there was scarcely any reform which would not be opposed by some one, especially if he knew that his opposition must be successful.

THE ADDRESS IN ANSWER TO THE QUEEN'S SPEECH.

Report of Address *brought up*, and read.

Mr. BAILLIE COCHRANE said, he hoped the House would allow him to make a few observations on the Speech from the Throne, as he had had no opportunity of doing so yesterday. The right hon. Member for Liskeard (Mr. Horsman) complained last night that the Government always objected to discussions on foreign questions as either too early or too late, negotiations being either in progress or having closed, and there was much force in that complaint. It was said by one hon. Gentleman last night that it was of no use crying over spilt milk, and certainly the observation was a just one so far as regarded the milk already spilt. But if by crying one could prevent other milk from being spilt in future, then the crying might be a very useful process. There could be no doubt that a great deal of milk had been spilt over the Treaty of Washington, and we must take care that a great deal more was not spilt over the Central Asian question. The Commissioners appointed by England to assist in drawing up the Treaty of Washington left this country two years ago, and the events that had happened in the time that had since elapsed were not such as to induce us to place much confidence in the foreign policy of Her Majesty's Government. The object of the Commission that then went out was to obtain redress for certain outrages committed in Canada and to protect the Canadian fisheries—the Alabama Claims being only a minor point among the matters to be considered; but what was the result arrived at? The very first thing we did was to give up our whole case by expressing regret for our conduct in the case of the *Alabama;* then we agree to a new law of nations, which was to have a retrospective effect; and when the questions of the Canadian raids and of the North American fisheries came up, the United States Commissioners shirked them as much as possible, and we were forced in the end to bribe Canada by a guarantee of £2,500,000. What had been the effect of this policy on our Continental relations? Passing by our conduct in the Franco-German War, which was not dignified, and certainly was not generous, Russia was induced by our American policy to demand the abrogation of the Treaty of Paris. Lord Granville at first met this in a very dignified manner, expressing his feelings as an Englishman, which led the Russian Ambassador to think there might be war; but afterwards, starting away—

> "—— as if afraid,
> E'en at the sound himself had made,"

he adopted an attitude which obliged the then Under Secretary of State for Foreign Affairs (Mr. Otway) to resign his post, he not thinking it consistent with his dignity or his duty to concur in such a course. And now the Central Asian question had arisen, and it was impossible for us not to feel that our conduct on several occasions for the last few years had led to it. The right hon. Gentleman at the head of the Government had compared the conduct of the Russian Government with regard to Khiva with our own conduct in reference to Abyssinia; but there was really no analogy between the two cases. An advance by Russia in the East might not be a *casus belli*, but it weakened our hold on India, for our Indian Empire was entirely one of *prestige*, and though a Member of the Government, speaking at the Mansion House some time ago, laughed at the word, it was *prestige* which enabled us, with a small Army, to rule over hundreds of millions. The permanent occupation of Khiva by Russia would certainly weaken this, and though it could not be supposed that she designed a conquest in the East at our expense, she might divert attention from her policy elsewhere, and oblige us, when an emergency arose, to send such a force to India as to weaken our power in other quarters. He gave Lord Granville credit for good intentions, but had to complain of his lack of determination and energy. He had just given Notice of a Motion for Papers respecting the Suez Canal. He understood, although he had not the Papers on the subject, that soon after last Session, when Nubar Pasha went to Constantinople, the whole of those reforms were all but arranged. The French Government knew the importance of that question, and also that the vast proportion of the ships passing through the Suez Canal belonged to the English flag. Lord Granville, as far as he could understand, was weak enough to say that he could not act without the French Government, although he was supported by all the other Powers; and the whole question was now as far off from an adjustment as ever. As, however, they would have other opportunities of entering upon the subject of foreign policy, he would not discuss these matters at present. He would only say he believed that since that unhappy Treaty of Washington our influence in Europe had been diminished, and that in expressing his entire want of confidence in the courage and determination of Her Majesty's Government in respect to their foreign policy he was expressing the universal feeling of the country.

MR. PERCY WYNDHAM rose, pursuant to Notice, to call attention to that portion of the Treaty of Washington which related to rights of Fishery as between the subjects of the United States and British North America respectively. He did so for two reasons—first, because it was a branch of the question which was not closed, and one, therefore, to which the attention of Her Majesty's Government might be directed with beneficial results; and, secondly, because that important part of the Treaty referring to the fisheries was made independent of the other Articles in that instrument. One of the first acts of the Government of the United States was to press Her Majesty's Government to use their utmost influence with the Government of the Canadian Dominion to allow the fishermen of the United States a prospective right of fishing in their waters. A proposal for that purpose was accordingly made by Mr. Fish to Sir Edward Thornton, and the President of the United States, on the other hand, was to use his influence with Congress to obtain a drawback in favour of the fishermen of our North American possessions. The subsequent proposals of Mr. Fish unfortunately differed from what he had submitted to Sir Edward Thornton. It was specified that the American fishermen should fish in the waters of the Dominion, Prince Edward's Island, and Newfoundland; but when they came to the question of the drawback the important omission of Newfoundland was found to have been made; so that while the American fishermen were to fish in the richest waters of the Dominion that portion of the Dominion which imported very largely to the United States would not have the benefit of the drawback. That omission, grave as it was, entirely escaped the notice of the Foreign Office, but did not escape the notice of the Governor and the Legislature of Newfoundland. The Governor addressed a despatch, dated July 4, 1871, on the subject to Lord Kimberley, who, as in duty bound, immediately brought the omission before our Foreign Secretary. Lord Granville, he need scarcely say, placed the matter before Mr. Fish in a manner worthy of a British Minister; and Mr. Fish in his reply said that the omission had arisen from inadvertence. In the meantime, however, the United States fishermen fished in the waters of the Dominion, while there was a failure on the part of the American Government to induce Congress to fulfil their part of the bargain. The United States Congress, was, perhaps, a body more disposed to criticise the conduct of their Ministers than the House of Commons was, and he hoped the Under Secretary for the Colonies would be able to inform them whether Congress had yet taken any action on that important point. He wished also to know what was the nature of the evidence respecting the value of the fisheries which was to go before the Commissioners. He thought the only satisfactory evidence would be accurate Returns, which existed, of the fisheries of former years. If hard swearing was to be accepted in deciding on the relative value of the fisheries, he feared that the people of the Dominion were not likely to meet with their just dues. He desired information also whether the Legislature of Newfoundland had given its consent to that portion of the Treaty. By the 32nd Article its assent was expressly required; but probably the Colonial Legislature would be loth, as on former occasions, to stand in the way of what Her Majesty's

Government had for their main object—namely, to have done with the business on any terms whatever. Before concluding, he might be allowed to advert to some observations made last night by the right hon. Gentleman at the head of the Government. He understood the right hon. Gentleman to say that there were Counter Claims now under adjudication. He should like to know of what those Counter Claims consisted. The right hon. Gentleman had previously quoted a passage delivered by Lord Derby; but the Counter Claims to which Lord Derby alluded were undoubtedly the Indirect Claims, which never came before the Arbitrators. The right hon. Gentleman denied that the loan to Canada was given as compensation for the loss of the fisheries. It was, however, given as a compensation for the loss and expense to which the Canadians were subjected in repelling the Fenian invasion. Any doubt on that point would be removed by a perusal of a communication from Lord Kimberley to Lord Lisgar. A quotation was then made from the Report of the Committee of the Canadian Privy Council, suggesting that instead of a money payment it was desirable that the Government should propose to Parliament a guarantee for a loan not exceeding £4,000,000, being half the amount intended to be raised for the railway. He did not wish to cast blame on the Government for its action in that matter; but he feared the decision in regard to the fisheries would be adverse to the claims of Canada, and, considering that the United States were even more averse to war than ourselves, he could not think that a wise policy had been adopted. In the first place, we had paid America—a great and rich nation, and the second naval Power in the world—for not keeping a Navy sufficently strong to destroy a contemptible piratical attempt on her commerce. And, further, we had paid our Dependency for wrongs she had received from another Power. He would, in conclusion, simply express a hope that the Under Secretary for the Colonies would be enabled to give him some explanation on the subject to which he had referred.

Mr. RYLANDS said, he would be glad to have some assurance from Her Majesty's Government that the Treaty with France should be submitted to the consideration of Parliament before it was ratified. It was extremely important that the representatives of the people of this country should have some voice with regard to that Treaty as the representatives of France had in the National Assembly. The right hon. Gentleman the Member for Buckinghamshire had on the previous evening expressed a hope that the interests of the British manufacturer had not been needlessly and recklessly compromised by the Treaty, and he could not suppose that the Government had done anything which would lay their conduct open to that charge. It was not on that account, therefore, that he was anxious the House of Commons should be afforded an opportunity of pronouncing an opinion on the Treaty, but because he looked upon it as a grave question whether the interests of English manufacturers would not be better promoted by having no Treaty at all than by the operation of an instrument, prepared even with the greatest care—as he had no doubt the Treaty in question was—by the Foreign Office. The Foreign Office was, he thought, disposed to do too much rather than too little; and the best thing, he felt satisfied, which could have happened would have been that the French people should have been allowed to feel the effect of their commercial policy, which he believed to be retrograde and injurious to the interests of their country. The tax on the British flag would, he had no doubt, be found to be odious and objectionable by France herself; but be that as it might, he protested against what had been said by the Prime Minister on the previous evening, that the situation of affairs in France rendered it necessary that we should not refuse to enter into the Treaty; for it was a most dangerous policy for any Government to base its action on a regard for the special interests of any particular party in another country. The former Treaty was negotiated with a free trade Emperor, whose hands it strengthened to support a policy of free trade; but the proposed Treaty would only strengthen the hands of a protectionist President, and aid the French in a reactionary policy. With the precedent of the former Treaty, which Lord Palmerston presented for the consideration of Parliament, it would be more satisfactory that, before the Treaty was finally ratified, the House should be able to consider it.

SIR GEORGE JENKINSON wished to know, in the interest of the taxpayers of this country, whether the £3,500,000 which we were to hand over to America under the Award of the Arbitrators at Geneva was to be paid in one year, or whether the payment was to be spread over a series of years. Yesterday, speeches had been made which, he thought, should have been delivered last Session, when the matter was still unsettled; and he would not join in the chorus of condemnation. He would, however, point out that we had already apologized for wrong we had never committed, and bribed Canada to concur in the proceeding; and that we were about to pay £3,500,000 for damages we had never caused. The Chancellor of the Exchequer told the people of Glasgow that we were to pay that sum to put the Americans in a good humour; but the effect was problematical. Only the most lively imaginations could conceive that we should derive any advantage from the transaction, because, as the Chancellor of the Exchequer had stated, the new Rules were not to be binding on anybody. He saw by a telegram from New York a few days ago that the amount which we were called upon to pay would exceed by £2,500,000 the value of the property destroyed, and it was recommended that after all just claims had been satisfied the balance should be paid into the United States Treasury. That, he supposed, must be regarded as an indirect way of paying the Indirect Claims, and as the Chancellor of the Exchequer had told the deputation who had waited on him a short time since on the subject of the malt tax that he could give them no relief because he had no surplus, he thought he was justified in asking him whether all surplus which the Revenue Returns showed he would possess was to be taken in the present year out of the pockets of the ratepayers to satisfy the American claim? If so, he, for one, felt bound, on behalf of his constituents, to protest against the gross injustice of such a course. The right hon. Gentleman told his audience at Glasgow that he had taken off £9,000,000 of taxation since his accession to office in 1868. The right hon. Gentleman, however, appeared to have forgotten that in the same period the Excise had increased by £5,000,000, leaving a balance in favour of the taxpayers of only £4,000,000, and that of that £5,000,000 a large part was obtained from the malt tax, an impost which, although it had not arrived at the dignity of being mentioned in Queen's Speeches, pressed most hardly upon a very deserving class of Her Majesty's subjects. He trusted that in preparing his Estimates for next year the Chancellor of the Exchequer would give some consideration to the question of the reduction of this tax. They were always told, when they made these applications, that they were too soon or too late; and therefore he took the opportunity of mentioning the matter now. Turning to another point, he had seen in the late Message of the President of the United States a proposal for the settlement of the Alaska boundaries by means of a joint Commission to be appointed by the American and British Governments; but, in view of recent events, it would, in his opinion, conduce far more to the dignity of this country and to economy were we at once to concede any boundary which the Americans might choose to ask rather than consent to the appointment of any such Commission.

MR. LAING said, he thought the tone of the criticism on the result of the Geneva Arbitration had been so generally hostile that it was advisable some brief expression of an opposite opinion, which he believed was very prevalent throughout the country, should be laid before the House. To a large extent he was at one with the hon. Members opposite. He agreed with them that new Rules of considerable importance had been introduced into the old international law; that the decision of the Geneva Arbitrators had screwed up those Rules to a higher point than Her Majesty's Government had contemplated when they acceded to them; that those Rules could not be regarded as forming a mere dead letter, and that they constituted a new and important chapter in the history of international law. At this point, however, he parted company from hon. Members opposite. He thought that the operation of the new principle which had thus been introduced into the old system of international law would be a benefit, and not a misfortune, to this country. Having due regard to the march of events, it was not surprising that international law as well as other matters of importance should require modification and amendment in order to suit it to the changing circumstances of the world. The most important changes had occurred in consequence of an altered state of feeling on the part of civilized Europe with regard to war, and of an altered state of facts resulting from the enormous increase of commerce. The restrictions upon neutrals in time of war which formerly existed had become such an intolerable nuisance that they could no longer be put up with, and, consequently, it was laid down by the Treaty of Paris that a neutral flag should cover all goods, by which the rights of neutrals were greatly enlarged. But while it was imperative that the rights of neutrals should be thus enlarged, it was equally just that their obligations should also be enlarged. The feeling adverse to war upon principle, the conscientious dislike to go to war except as a last extremity, which originated in this country, had now spread over all civilized nations, and had compelled an alteration being made in public law. Endeavours were being made to limit the operation of war when it unfortunately arose, and to conduct it as humanely as possible. The general opinion was now entertained that neutral nations had no right to furnish belligerents with munitions of war, or to allow their ports to be made the basis of expeditions to be directed against a friendly Power. It was felt that such conduct was like that of a man who sold loaded pistols to two of his friends in order to enable them to fight a duel. Under these circumstances, he did not blame Her Majesty's Government or their predecessors in Office for having endeavoured to settle our dispute with a foreign country by arbitration, instead of going to war. Neither did he blame them for admitting the principles involved in the three new Rules. The difficulty we found ourselves in with respect to the Geneva Arbitration was occasioned, not by our having at length yielded to what was right, but by our having taken up a false position in which we eventually found ourselves outflanked —by resisting just demands; and it was to be hoped that we should learn, from the lesson we have received, the impolicy of setting down our foot as a nation in a position which we were afterwards unable to maintain. The position we had taken up, although not altogether untenable as judged by the old international law, was one that the conscience of the country could not reconcile itself to, as being unjust as between nation and nation, and, consequently, we determined to submit the dispute to arbitration. Viewed in another light, however, it would be found that the principles which had been thus laid down would prove in the end most beneficial to this country. It was of the utmost importance to us, who had the largest commerce in the world and had ships in every portion of the globe, that our vessels should not be liable to be preyed upon by *Alabamas* fitted out in the ports of neutral nations, or permitted to coal there. He was satisfied that the establishment of a principle that would prevent the destruction of our commerce in the event of our being involved in war with any other nation was well worth the money we were called upon to pay for it. Her Majesty's Government, therefore, instead of being ashamed of the part they had taken in this matter, should rather feel that they had succeeded in laying down a principle of the greatest future benefit to this country, and should determine to proceed in the path on which they had already advanced so far. As to the French Treaty of Commerce, he did not wish to refer to it in any spirit of preconceived hostility. On the contrary, he was a warm advocate of the original Treaty. He thought it probable that when all the facts and arguments were fairly placed before the House he should incline to the opinion that, on the whole, the Government were right in concluding that Treaty. At the same time, seeing the opposition it had encountered from the Manchester Chamber of Commerce and from many eminent men in France, he thought that before the House took any responsibility in the matter they ought to have a full and fair discussion of the measure before it was finally passed. Another point to which he wished to refer was the payment of the Alabama Claims. In Her Majesty's Speech it was said that that payment would be made in "due course." In those two little words, "due course," a very large question was involved; because if in due course meant within the present financial year, the surplus of the financial year terminating in March next would be sufficient to pay that indemnity or thereabouts, and the surplus of the ensuing financial year would, in the ordinary course of things, be applicable to the remission of taxation. If, on the other hand, "due course" meant not till after March and the Budget had been produced, then, no doubt, the Chancellor of the Exchequer might be in a position to say—"Oh! the surplus of 1872-3 is gone; it was appropriated by an existing Act of Parliament to the reduction of the National Debt; the surplus of 1873-4 is wanted for the Alabama indemnity, and, therefore, I have no surplus, and the deputations that assail me at Downing Street need not trouble me about it." Now, that course might be one which might save the Chancellor of the Exchequer considerable embarrassment; but he (Mr. Laing) felt with the hon. Member for Wiltshire that it was one which would not be very satisfactory to the country. If the ordinary taxation of the country for two successive years yielded a surplus of more than £3,000,000, the country expected, and had a right to expect, to receive some portion of it in the way of a remission of taxation. At any rate, without entering into that subject, he maintained that it was a fair question for deliberate discussion in the House whether, under these circumstances, the country should or should not enjoy some benefit by a remission of taxation. That was a matter which ought not in any way to be prejudged or precluded by the accident of the Bill for the payment of this cost being brought forward before Easter or after Easter. He should be glad, therefore, if any Member of Her Majesty's Government before the close of this debate would state what was meant by these words "due course," and would give some assurance that nothing should be done which would in any way prejudge the matter, or prevent the House from coming to a deliberate conclusion as to whether the whole of the surplus of this year should be applied in reducing the National Debt, and the surplus of the coming year should be appropriated to the payment of the Alabama Claims, or should be dealt with in the ordinary way for the benefit of the taxpayers.

MR. CORRANCE adverted to the remarks which had been addressed to the House by the right hon. Member for North Devon (Sir Stafford Northcote), which could not be passed over in silence, and he (Mr. Corrance) did not think that those sentiments were shared in by that side of the House. In the first place, they had the question of the Fenian raids entirely untouched; then the important question of the navigation of the St. Lawrence had been deliberately conceded; and there was also the question of the fisheries. What was the truth with reference to the indemnity that was to be awarded? He should wish to hear from the Government what provision and arrangements they had made upon this part of the question. Much dissatisfaction had been caused by the Treaty, and he had papers with him, though he did not wish to weary the House with them, which would show that by many the Treaty and all its provisions were utterly repudiated. Very much displeasure existed in Canada upon this question, and it was suggested that Government was obliged to purchase silence by a State grant. They had been told that this pecuniary compensation was a thing in itself insignificant. That he admitted, and that was the smallest part of the matter. But the question of the feelings of the people of Canada raised the most important issue that could come before them. What was the loss of a sum of £3,000,000 sterling compared with the loss of the affections of such a population? He thought that seeing how Canada had so far suffered, one generous expression might have been given to her in the Royal Speech. Considering the painful nature of some of the documents that had been placed before them, he thought that such sacrifices would justify something more than the cold acknowledgment which had been made. What he complained of was, that Her Majesty's Government, though conscious of the blunder, had not sought to rectify it. The Canadians had had great cause of complaint, and had not deserved the cold reception they had received, and certainly not the almost contemptuous terms in which they had been spoken of. The time might come when Canada and this country might part; but it should be remembered it could be a matter of no inconsiderable regret that she should part on terms which made her feel the humiliation of her position, and placed her in a controversial attitude towards this country.

MR. KNATCHBULL-HUGESSEN said, he could not remain silent after the special references which had been made to him, though he felt it to be inconvenient that such matters as the details of a Treaty should be discussed without the possibility of any practical result, and when no definite Motion was before the House. Such a discussion was the more inexpedient pending the legislative action of the Congress of America, which was necessary to give validity to the Treaty, and also when the Legislature of Newfoundland were about to consider the provisions of the Treaty as far as they applied to that island. He thought that a debate in this House upon questions which were then pending would be of no advantage. But he could not help saying with reference to the allusions made to-night, and also to the speech of the noble Lord (Viscount Bury) on the previous night, that there was no fallacy so great and no mistake so unfortunate as that conveyed in the statement that Canada had been or would be a sufferer by the Treaty of Washington. The interests of Canada had not been sacrificed, and Canada would be more and more prosperous through the working of the Treaty. If it were necessary, he could quote valuable collateral evidence on this subject. Only the other day he read in a Canadian newspaper a report copied from *The New York Herald* of considerable importance, and made by a correspondent sent especially to Canada on behalf of that newspaper in order to make himself acquainted with the wishes and feelings of the Canadian people as regards annexation to the United States. This correspondent reported that the great mass of the people of Canada were exceedingly hostile to annexation, and desired to retain their connection with Great Britain. He said, further, with regard to the refusal of the United States to renew the Reciprocity Treaty, that, while intended as a great blow to Canada, the United States really made a mistake in not renewing the Treaty. The House would remember that the Government were taunted with not having been able to induce the United States Government to renew it. But, according to this gentleman, the Canadian manufactures, which were at a standstill during the existence of this Treaty, began to increase in importance as soon as it ceased to exist, and the resources of the Dominion were thereby greatly developed; and so, with regard to the present Treaty, he believed it would be found that the more you freed a country like Canada from restraint, the more she was encouraged to develop her own resources, the better and stronger her position would be. Prizing the affections of the people of Canada very highly, he was not afraid of losing them; and he believed the future of Canada would be so great, that the greatness of this country would be increased by the continuation of the intimate connection between them. As to the Canadian fishermen, it would be easy to show that they would always have a great advantage over American fishermen, and that if the American fishermen came in any number upon the Canadian coast, a trade would spring up there which would add materially to the prosperity of that country. On this point it was well to ask what was the opinion of the Canadians themselves. He did not rely only on the fact that in the late Parliament the Canadian Government had an immense majority in ratifying the provisions of the Treaty; but he might also point to the fact that in America the opposition to this part of the Treaty came from the American fishery States, while a majority of the representatives of the fishery States of Canada were in favour of the Treaty, and at the recent general elections the supporters of the Treaty carried all before them in those States. The testimony of impartial witnesses coincided with his belief that, so far from Canadian interests being sacrificed, the fishery provisions and other parts of the Treaty promised to be of great benefit to Canada. Upon a more fitting opportunity he should be prepared, if necessary, to go at greater length into these matters. He would not now touch upon the loan, because it was enough that a thing should be well done once without occupying valuable time by doing it two or three times over. On a future occasion it would be necessary to ask for the sanction of Parliament to the Imperial guarantee of the loan, and then there would be ample opportunity for hon. Gentlemen to call the loan a bribe or anything else. He would then be ready to show that this was no bribe, and that it was a wise and patriotic act on the part of Great Britain to guarantee such a loan for the purpose of developing the resources of Canada. Hon. Gentlemen talked on Canadian subjects with some inconsistency. When they spoke in the provinces upon the general subject, they warmly advocated the Canadian connection—in which he entirely agreed with them—and deprecated any act which might appear to deal with Canada otherwise than as part and parcel of the British Empire, with an identity of sentiment and of interest. But as soon as special questions like the present arose, they were too apt to speak of Canada under quite another aspect, as if a policy of a separate character was necessary for her interests, and as if those interests were to be considered quite apart from the general interests of the United Empire.

SIR CHARLES ADDERLEY fully endorsed what had fallen from the hon. Gentleman who had just spoken, and firmly believed that the provisions of the Treaty concerning Canada were most favourable to Canada, and were far better than the Canadians could have gained for themselves had theirs been an independent nation. Their own best statesmen acknowledged this. He felt sure their interests in the negotiation were as much cared for as our own, and he believed they had been cared for with more success. The liabilities which this country had drawn upon itself as a neutral nation were formidable. The decision implied that in future we should be liable not only for want of due diligence on the part of our officers at home, but on the part of officers in British colonies all over the world, although they were beyond our control, and although those colonies had no share in our debates, and were only connected with us by the common tie of loyalty to the Crown. But, passing from the American debate, the subject to which he was going to draw the attention of the right hon. Gentleman at the head of the Government on Monday was one which he missed from Her Majesty's Speech; he meant the promised consolidation of the sanitary laws. He had understood the right hon. Gentleman to have almost pledged himself to complete what had been done on the subject during this Session. Last year an Act was passed which constituted local sanitary authorities all over this kingdom, and the Session before an Act was passed which constituted and consolidated a central authority in the metropolis. Having made this staff provision, the Government must either leave the machinery to rust and become useless, or enable the country to make use of it. It would be most unfortunate if at the very outset of sanitary reform the local government of this country should be placed in this odious and unpopular position of complete appointments and salaries for work still left impracticable. The subject had been before the House, for two Sessions, in the form of a Bill which offered very little new legislation, but consolidated the existing provisions scattered about in various Acts, so confused as to be wholly inoperative. By collecting the existing law on the powers and duties of local authorities into one Bill, the House would enable the authorities which it constituted to enforce the important sanitary laws now upon the Statute Book. He should like to ask the Government whether the omission of this subject from the Queen's Speech was an admission that they were not prepared to complete the legislation of 1871, and of last year? The members of the Sanitary Commission concurred with him in the necessity, in that case, of reintroducing the Bill which had been for two Sessions already before the House. That measure had somewhat alarmed the House by its magnitude; but it had been much reduced by the Act of last Session, and by the Act of 1871, which two Acts had dealt with at least a third of the whole subject and he hoped that the Government would encourage the Sanitary Commissioners by some assurance that they would, if unable to deal with the remaining complement of the subject themselves, assist them to pass the measure recommended by them during the present Session.

SIR CHARLES WINGFIELD, in reference to the advance of Russia in Central Asia, concurred with the hon. Member for Brighton (Mr. Fawcett), in a speech to his constituents the other day, that if the only danger to our Indian Empire was the proximity of Russia, we might make our minds very easy. Russia had ample cause to seek redress for the manifold outrages committed upon Russian subjects in Khiva. Russia had disclaimed any intention to annex Khiva; but in the interest of humanity he should wish to see that country brought under her sway. Anyone who read Mr. Vambéry's work on the political and social system of the Khanates would wish Russia every success in reducing this degraded population to order and civilization. It had been certain for years past that all these three Khanates would be absorbed at some time or other into the Russian dominions. He hoped that there would now be an end of these rumours of differences with Russia in regard to Central Asia, which had so suddenly excited the public mind, and that the conciliatory disposition shown by Russia would be appreciated.

SIR MASSEY LOPES thanked the Government for the announcement of their intention to deal with the anomalies and grievances of local taxation; but he wished to impress upon the right hon. Gentleman at the head of the Government the necessity of enabling the House at the earliest possible opportunity to see the Government measure. The subject was one of so difficult and complicated a character, that the country would require as much time as possible to consider the details before they were discussed in that House. He ventured to hope that the Bill would be so framed that hon. Members on both sides of the House would deal with it as they did with the Sanitary Bill of last year, totally free from all party and political considerations. He also hoped that the object of the Bill would not be to sow dissension between different classes and interests, between landlord and tenant, or between town and country; but that all parties would be able to accept the Government measure as a fair and impartial recognition of their mutual grievances. In such a case he could promise the right hon. Gentleman that hon. Members on both sides of the House who were interested in this subject would do their utmost to give him and the Government every possible assistance in bringing this difficult subject to a speedy and satisfactory and successful termination.

MR. R. N. FOWLER wished to say with regard to the reduction of our Debt, that it would be wrong if in a year of exceptional prosperity no effort were made to reduce the National Debt.

MR. F. S. POWELL said, he hoped the Government would pass a Consolidation Bill, such as had been recommended by the Sanitary Commission, with any improvements which might be suggested by the Government.

MR. GLADSTONE: In answer to my right hon. Friend (Sir Charles Adderley), I am unable to say, on the part of my right hon. Friend (Mr. Stansfeld) and the Government, that it will be in our power to introduce this Session a digest or consolidation of the sanitary laws. My right hon. Friend (Mr. Stansfeld) has gravely considered the subject, and he has arrived, with regret, at the conclusion that the moment has not yet come when he could deal with this subject with the prospect of success, and in a manner satisfactory to himself. If my right hon. Friend opposite (Sir Charles Adderley) thinks it his duty again to submit his Bill to the House, my right hon. Friend, on the part of the Government, has every disposition to regard it with a favourable eye, knowing, as they do, the respect and sympathy due to the views and efforts of the right hon. Gentleman and to his knowledge of the subject. The hon. Baronet the Member for South Devon (Sir Massey Lopes) has expressed a hope—which amounts to putting a question on the subject—that the measures or proposals referred to in the Speech from the Throne in regard to local taxation will be shortly introduced; and the hon. Baronet has laid down the principle and intimated wishes on his own part and on the part of others with whom he communicates, which principles I accept in the spirit in which they were expressed, and with which principles I entirely concur. The object of the Government ought to be to do justice to each class and each interest; but nothing could be more blameworthy than an endeavour to set them one against the other. The hon. Baronet has intimated a hope that the measure of the Government will be laid on the Table at an early period, and I quite agree with him that it would be right that ample time should be given after such measure has been introduced, and before it is brought on for discussion, in order to enable hon. Members to state their opinions and take a definitive course. But last night the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) reminded me that I had given opinions in this House favourable to a very homely manner of transacting business, which appeared to receive the approbation of the right hon.

Gentleman—namely, that it is the duty of the Government, with respect to its more important and critical measures, which make the greatest demands upon its attention and upon the attention of the House, to do one thing at a time. All the expedition that we can give to the measure respecting local taxation, compatible with that rule, will be given to it; but I am quite satisfied that when we have other very great measures not yet introduced, it would not in the slightest degree tend to forward the object the hon. Baronet has in view were we to produce our measure with respect to local taxation. The rule of one thing—that is, one thing of a first-class magnitude—at a time, a very long experience in this House has convinced me is a rule absolutely vital to anything like a satisfactory transaction of the business of the Government in this House, and to that rule in this year, as in former years, we intend, as far as possible, to adhere. One word I would say with reference to what fell from my hon. Friend the Member for Warrington (Mr. Rylands), who expressed a desire that the House should be made acquainted, before its ratification, with the Commercial Treaty signed between this country and France. Now, it so happens that in the course of business the House will have an opportunity of judging of that Treaty at the earliest moment; for it has been already laid upon the Table, and it cannot be immediately ratified, because those provisions which absolutely require the sanction of the National Assembly in France are under the consideration of that Assembly, and some days must elapse—though, I believe, no long time—before the judgment of the Assembly is given. I trust the Treaty will be in the hands of my hon. Friend before the National Assembly will have had time to deal with it. One observation which fell from my hon. Friend it is my duty to notice. He appeared to think that when the gracious Speech from the Throne referred to special circumstances in the condition of France as requiring an equitable regard on the part of the Government of this country, we referred to some connection with the existing Government of France, and were disposed to draw some distinction between that Government and any other which the French nation might choose to select. I can assure my hon. Friend that in advising the use of that language we had not the smallest intention to convey any such meaning. In my opinion, the grossest of all errors which the Government or the Legislature of this country could commit would be committed if we were to presume to draw any distinction in the spirit and mode of our proceedings between one kind of Government in France and another kind of Government. What we have to do is to recognize the Government which the people of France have chosen to establish for themselves, and to deal with the Government so established in a spirit of national friendship and good-will. That, I assure my hon. Friend, is the principle on which we have proceeded; and when existing circumstances are spoken of as requiring at our hands an equitable regard, those existing circumstances which it would not be well to develop in a Speech from the Throne are entirely connected with the financial condition of France, and have no political meaning whatever.

MR. NEWDEGATE inquired whether the contents of the Treaty would come before the House in a financial form?

MR. GLADSTONE: No.

Address *agreed to*:—To be presented by Privy Councillors.

POLLING DISTRICTS (IRELAND) BILL.

LEAVE. FIRST READING.

THE MARQUESS OF HARTINGTON, in moving for leave to bring in a Bill to make special provisions in relation to the constitution of certain Polling Districts in Ireland, said, that in the Ballot Act passed last year provision was made for greatly extending the number of polling districts and polling places in Ireland, as well as in England. That Act provided that before a certain day the chairman and magistrates of each county should make provision for dividing the county into polling districts, and the petty sessional district was, as far as practicable, to be the polling district. The magistrates were, however, allowed, if they deemed it expedient, to appoint additional polling places, and to attach districts to such polling places. The orders made by the magistrates were to be sent to the Clerk of the Privy Council, and, previous to their confirmation, notice was to be given in one newspaper at least circulating within the county, and subsequently they were to be printed in *The Dublin Gazette.* In order to assist the chairman and magistrates to discharge their duty, information was furnished to them by the Commissioners of Valuation. In 18 counties the Report of the Commissioners was adopted unaltered, or with very slight alterations; in 13 counties the magistrates recommended some additional polling places, and in one county several considerable alterations in the boundaries of the districts were proposed. It was found, however, that, in consequence of the minute subdivision of Ireland into small districts called town-lands, the publication of the draught orders in the newspapers and *The Gazette* would be extremely expensive. It was estimated that the publication of them in the local newspapers and in *The Gazette* would cost no less than £12,000. Moreover, it appeared that there was no necessity for all the precautions provided by the Act. There was no reason to suppose that the magistrates had been actuated by improper motives, for nearly all the orders made had been made on recommendations issued from the Government Department, and framed as nearly as possible in conformity with the directions of the Act. In the cases where they had been departed from the object was merely to increase the number of polling places, and in all cases general satisfaction had been given. The Special Sessions at which the work had been done had been specially summoned for the purpose, and ample notice had been given to all concerned, so that anyone who objected to the proceedings of the magistrates could state his case before them. There was no reason why the delay and expense consequent on all these proceedings should be incurred, and the object of this Bill was to provide that the Lord Lieutenant and Privy Council should have the power to confirm or alter, as the case might be, any orders issued by the magistrates. It might be asked why the Bill did not simply enable the magistrates to confirm, and that was substantially what it did in the first clause; but a second was necessary to meet cases in which alterations might be expedient. It was desirable that the Bill should pass as speedily as possible, so as to come into operation in case of any election; and he therefore proposed to take the second reading on Thursday next.

Motion *agreed to.*

Bill to make special provisions in relation to the constitution of certain Polling Districts in Ireland, *ordered* to be brought in by The Marquess of Hartington and Mr. Secretary Bruce.

Bill *presented,* and read the first time. [Bill 1.]

BURIALS BILL.

RESOLUTION. FIRST READING.

Considered in Committee.

(In the Committee.)

Mr. OSBORNE MORGAN, in moving that the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Burial Laws, said, that the Bill was substantially the same measure as that which was before the House three successive Sessions, with one very important alteration. It would be in the recollection of the Committee that one argument advanced against this Bill was that the services authorized might serve as occasions of political demonstrations. In order to obviate that danger, he last year agreed to accept an Amendment of the hon. Member for West Kent (Mr. J. G. Talbot), which provided that the prescribed ritual should consist only of hymns, prayers, and portions of Scripture. That Amendment he had embodied in the present measure, and even if it did not disarm the hostility of the antagonists of the measure, it must cut away from under their feet the principal ground upon which opposition had been at least ostensibly rested.

Mr. BERESFORD HOPE, whilst thanking the hon. and learned Member for the concession, warned him that he must not take it for granted that the proposition would be accepted as a compromise. This was a Bill that must be opposed.

Motion *agreed to.*

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Burial Laws.

Resolution *reported:* — Bill *ordered* to be brought in by Mr. Osborne Morgan, Lord Edmond Fitzmaurice, Mr. Hadfield, and Mr. M'Arthur.

Bill *presented,* and read the first time. [Bill 9.]

UNIVERSITY TESTS (DUBLIN) BILL.

RESOLUTION. FIRST READING.

Considered in Committee.

(In the Committee.)

MR. FAWCETT, in moving that the Chairman be directed to move the House, that leave be given to bring in a Bill to abolish Tests and alter the Constitution of the Governing Body in Trinity College and the University of Dublin, wished to explain why he proposed to introduce a measure on a subject on which the Government had already given Notice that they intended to legislate. If the Bill were now brought forward for the first time, and it were simply a measure of his own or of those Members whose names appeared on the back of it, no doubt they might appear open to the charge of presumption, but the Bill was really not so much their Bill as the Bill of the House; because its principle had on the second reading been affirmed by an exceptionally large majority. He wished it, however, to be distinctly understood that he had no desire to embarrass the Government; his only object was to obtain as early as possible a settlement of this question, which was urgently demanded. If the Government measure to be introduced on Thursday next should be approved by the country, no one would more gladly withdraw his Bill than he should; if, on the other hand, the measure introduced should not be approved by the country, then, as his Bill would be before the House, and having been already accepted by a large majority, they would, even if the measure of the Government proved unsatisfactory, still have the opportunity of legislating on the subject, and thus give peace and repose to a College and University which had suffered severely from the threatened disturbance hanging over them for many years. To show that he had no wish to impede the Government, he should fix the second reading of his Bill on a day before which it would be known what reception had been given to the Government measure. He should not fix the second reading before the 12th of March. Under these circumstances, he hoped he should be acquitted of presumption in seeking to introduce a Bill on a subject on which the Government had already given Notice of their intention to legislate, and that no opposition would be given to the introduction of his Bill.

Motion *agreed to.*

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to abolish Tests and alter the Constitution of the Governing Body in Trinity College and the University of Dublin.

Resolution *reported:* — Bill *ordered* to be brought in by MR. FAWCETT, DR. LYON PLAYFAIR, and MR. PLUNKET.

Bill *presented,* and read the first time. [Bill 12.]

GREY COAT HOSPITAL, WESTMINSTER —ENDOWED SCHOOL COMMISSIONERS SCHEME.

MOTION FOR AN ADDRESS.

MR. W. H. SMITH, in rising to move the Address of which he had given Notice, said, that the Grey Coat Hospital now provided for twice as many boys as girls; but under the new scheme the endowment was applied solely to the education of girls, while it was intended to provide for the boys in the scheme for Emanuel Hospital. But this scheme had not yet received the sanction of Parliament, and might never do so, in which case the boys would be left unprovided for. He therefore desired that the two schemes should be considered together.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to suspend the approbation of the Scheme of the Endowed School Commissioners for the management of Grey Coat Hospital in the city of Westminster, until the Schemes now under consideration for the management of the other Hospitals in Westminster are presented for Her Majesty's approval." — (*Mr. William Henry Smith.*)

MR. W. E. FORSTER trusted the hon. Member would not persevere with his Motion, because if the House should assent to it it would have the effect of rendering all the labour incurred in regard to the reform of the Institution referred to of no avail, and the whole process in respect to a scheme for its management would have to be gone over again. After several interviews between the Education Department of the Government and the Governors of the Institution that scheme was finally agreed to. It was true that the scheme made special provision for girls, a provision which was much wanted; but the interests of the boys now at the school would not suffer in the end, and the object of giving them a free education would be kept steadily in view.

MR. J. G. TALBOT said, he thought the hon. Member for Westminster had a strong case for asking the House, not to throw over the scheme, but to delay it, because the scheme for Grey Coat Hospital ran on all fours with the scheme for Emanuel Hospital. He did not at all repudiate the bargain which had been made with the Grey Coat Governors last year; but he asked for delay, in order that it might be seen whether the whole Westminster scheme, of which this was only a part, would receive the approval of Parliament. If, as had been suggested by his hon. Friend, and as was not improbable, the Emanuel scheme was not likely to receive the sanction of Parliament, half the entire scheme would be dropped, and provision would have been made for the girls, while the boys would be nowhere. The Endowed School Commissioners were now upon their trial, and if there was any case which could be a test case, it was that of Emanuel Hospital. This case of the Grey Coat Hospital was intimately bound up with that, and it was rather hard to call upon the trustees to give up half of the interests they were bound to promote in order to furnish a lever for the scheme of the Emanuel Hospital.

MR. ALDERMAN W. LAWRENCE condemned the course pursued by the Government with reference to these schemes. Bills and Motions generally fell to the ground at the end of the Session, and he saw no reason why that rule should not apply to the Grey Coat Hospital scheme. The time expired to-day for the scheme to come into effect without any opportunity having been afforded of discussing it in Parliament.

Question put.

The House *divided*:—Ayes 22; Noes 64: Majority 42.

PUBLIC ACCOUNTS.

Committee of Public Accounts *nominated*:—Mr. BAXTER, Mr. SCLATER-BOOTH, Mr. SEELY, Mr. LIDDELL, Mr. ALGERNON EGERTON, Mr. GOLDNEY, Mr. CANDLISH, Mr. CRAWFORD, Mr. RYLANDS, Lord EUSTACE CECIL, and Mr. O'REILLY.

EAST INDIA (FINANCE).

Select Committee *appointed*, "to inquire into the Finance and Financial Administration of India."—(*Mr. Ayrton.*)

And, on February 10, Committee *nominated* as follows:—Mr. AYRTON, Mr. STEPHEN CAVE, Mr. CRAWFORD, Mr. BARING, Mr. FAWCETT, Mr. BECKETT DENISON, Sir CHARLES WINGFIELD, Mr. EASTWICK, Mr. DICKINSON, Mr. BOURKE, Mr. CANDLISH, Sir JAMES ELPHINSTONE, Mr. LYTTELTON, Mr. BIRLEY, Sir DAVID WEDDERBURN, Mr. BEACH, Sir THOMAS BAZLEY, Mr. HERMON, Mr. M'CLURE, Mr. CROSS, Mr. JOHN BENJAMIN SMITH, Mr. GRANT DUFF, Mr. ROBERT FOWLER, Mr. HAVILAND-BURKE, Mr. CHARLES DALRYMPLE, Sir STAFFORD NORTHCOTE, Lord EDMOND FITZMAURICE, Mr. BAILLIE COCHRANE, and Sir GEORGE BALFOUR:—Power to send for persons, papers, and records; Seven to be the quorum.

IMPRISONMENT FOR DEBT.

Select Committee *appointed*, "to inquire into the subject of Imprisonment for Debt by County Court Judges."—(*Mr. Bass.*)

And, on February 14, Committee *nominated* as follows:—Mr. SPENCER WALPOLE, Mr. AYRTON, Mr. LOPES, Mr. JAMES, Mr. FIELDEN, Mr. LOCKE, Mr. COBBETT, Mr. STAPLETON, Mr. ROBERT FOWLER, Mr. M'MAHON, Mr. SALT, Mr. ANDERSON, Mr. TORR, Mr. CHADWICK, and Mr. BASS:—Power to send for persons, papers, and records; Five to be the quorum.

And, on February 18, Mr. LOCKE *discharged*; Mr. NORWOOD, Mr. CROSS, Mr. CAWLEY, Mr. BAINES, and Mr. RICHARD SHAW *added*.

LOCAL GOVERNMENT SUPPLEMENTAL BILL.

On Motion of Mr. HIBBERT, Bill to confirm certain Provisional Orders of the Local Government Board relating to the districts of Bishop Auckland, Bristol, Cardiff, Ealing, Idle, Lincoln, Newport in Monmouthshire, Warrington, Wigan, and Wrington, *ordered* to be brought in by Mr. HIBBERT and Mr. STANSFELD.

Bill *presented*, and read the first time. [Bill 2.]

HOUSEHOLD FRANCHISE (COUNTIES) BILL

On Motion of Mr. TREVELYAN, Bill to extend the Household Franchise to Counties, and otherwise to amend the Laws relating to the Representation of the People in England and Wales, *ordered* to be brought in by Mr. TREVELYAN, Sir JOHN TRELAWNY, Sir ROBERT ANSTRUTHER, Mr. OSBORNE MORGAN, and Mr. ANDREW JOHNSTON.

Bill *presented*, and read the first time. [Bill 3.]

POOR LAW (SCOTLAND) BILL.

On Motion of Mr. CRAUFURD, Bill for the further amendment and better administration of the Laws relating to the Relief of the Poor in Scotland, *ordered* to be brought in by Mr. CRAUFURD, Sir DAVID WEDDERBURN, and Mr. MILLER.

Bill *presented*, and read the first time. [Bill 4.]

ANCIENT MONUMENTS BILL.

On Motion of Sir JOHN LUBBOCK, Bill to provide for the preservation of Ancient National Monuments, *ordered* to be brought in by Sir JOHN LUBBOCK, Mr. BERESFORD HOPE, Mr. BOUVERIE, Mr. OSBORNE MORGAN, and Mr. PLUNKET.

Bill *presented*, and read the first time. [Bill 5.]

MUNICIPAL OFFICERS SUPERANNUATION BILL.

On Motion of Mr. RATHBONE, Bill to enable the Mayor, Aldermen, and Burgesses of Municipal Boroughs in England and Wales to grant Superannuation Allowances to their officers, clerks, and servants, *ordered* to be brought in by Mr. RATHBONE, Mr. MASSEY, Mr. BIRLEY, Mr. DIXON, Mr. MORLEY, and Mr. CROSS.

Bill *presented*, and read the first time. [Bill 6.]

MARRIED WOMEN'S PROPERTY ACT (1870) AMENDMENT BILL.

On Motion of Mr. HINDE PALMER, Bill to amend "The Married Women's Property Act, 1870," *ordered* to be brought in by Mr. HINDE PALMER, Mr. AMPHLETT, Mr. OSBORNE MORGAN, and Mr. JACOB BRIGHT.

Bill *presented*, and read the first time. [Bill 7.]

AGRICULTURAL CHILDREN BILL.

On Motion of Mr. CLARE READ, Bill to regulate the employment of Children in Agriculture, *ordered* to be brought in by Mr. CLARE READ, Mr. PELL, Mr. AKROYD, Mr. KAY-SHUTTLEWORTH, and Mr. KENNAWAY.

Bill *presented*, and read the first time. [Bill 8.]

SEDUCTION LAWS AMENDMENT BILL.

On Motion of Mr. CHARLEY, Bill to amend the Laws relating to Seduction, *ordered* to be brought in by Mr. CHARLEY, Mr. EYKYN, Mr. MUNDELLA, and Mr. WHITWELL.

Bill *presented*, and read the first time. [Bill 10.]

HABITUAL DRUNKARDS BILL.

On Motion of Mr. DONALD DALRYMPLE, Bill for the better care and management of Habitual Drunkards, *ordered* to be brought in by Mr. DONALD DALRYMPLE, Mr. GORDON, Mr. AKROYD, Mr. CLARE READ, Mr. MILLER, and Mr. DOWNING.

Bill *presented*, and read the first time. [Bill 11.]

PRISON MINISTERS ACT (1863) AMENDMENT BILL.

On Motion of Sir JOHN TRELAWNY, Bill to amend the Prison Ministers Act, 1863, *ordered* to be brought in by Sir JOHN TRELAWNY, Mr. OSBORNE, and Lord ARTHUR RUSSELL.

Bill *presented*, and read the first time. [Bill 13.]

PERMISSIVE PROHIBITORY LIQUOR BILL.

Acts read; *considered* in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to enable owners and occupiers of property in certain districts to prevent the common sale of Intoxicating Liquors within such districts.

Resolution *reported*:—Bill *ordered* to be brought in by Sir WILFRID LAWSON, Lord CLAUD HAMILTON, Sir THOMAS BAZLEY, Mr. DOWNING, Mr. RICHARD, Mr. MILLER, and Mr. DALWAY.

Bill *presented*, and read the first time. [Bill 14.]

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL.

On Motion of Sir THOMAS CHAMBERS, Bill to legalise Marriage with a Deceased Wife's Sister, *ordered* to be brought in by Sir THOMAS CHAMBERS, Mr. MORLEY, and Mr. LEITH.

Bill *presented*, and read the first time. [Bill 15.]

LOCAL TAXATION (ACCOUNTS) BILL.

On Motion of Mr. PELL, Bill to provide for the annual presentation to Parliament of an account of all sums received and expended by all local authorities raising or expending Rates in England and Wales, *ordered* to be brought in by Mr. PELL, Sir MASSEY LOPES, Mr. CLARE READ, Mr. ROWLAND WINN, and Viscount MAHON.

Bill *presented*, and read the first time. [Bill 16.]

WOMEN'S DISABILITIES BILL.

On Motion of Mr. JACOB BRIGHT, Bill to remove the Electoral Disabilities of Women, *ordered* to be brought in by Mr. JACOB BRIGHT, Dr. LYON PLAYFAIR, and Mr. EASTWICK.

Bill *presented*, and read the first time. [Bill 17.]

CANONRIES BILL.

On Motion of Mr. BERESFORD HOPE, Bill to amend the Act of the third and fourth years of Victoria, chapter one hundred and thirteen, for the regulation of Cathedrals, and to facilitate the Endowment of Canonries by private benefaction, *ordered* to be brought in by Mr. BERESFORD HOPE, Mr. WILLIAM HENRY SMITH, and Mr. J. G. TALBOT.

Bill *presented*, and read the first time. [Bill 18.]

SALMON FISHERIES BILL.

On Motion of Mr. DILLWYN, Bill to amend the Law relating to Salmon Fisheries in England and Wales, *ordered* to be brought in by Mr. DILLWYN, Mr. WILLIAM LOWTHER, Mr. ASSHETON, and Mr. ALEXANDER BROWN.

Bill *presented*, and read the first time. [Bill 19.]

REAL ESTATE INTESTACY BILL.

On Motion of Mr. LOCKE KING, Bill to amend the Law of Succession to Real Estate in cases of Intestacy, *ordered* to be brought in by Mr. LOCKE KING and Mr. HINDE PALMER.

Bill *presented*, and read the first time. [Bill 20.]

HYPOTHEC ABOLITION (SCOTLAND) BILL.

On Motion of Sir DAVID WEDDERBURN, Bill for the abolition of the Law of Hypothec in Scotland, *ordered* to be brought in by Sir DAVID WEDDERBURN, Mr. CARTER, Mr. FORDYCE, and Mr. CRAUFURD.

Bill *presented*, and read the first time. [Bill 21.]

OCCASIONAL SERMONS BILL.

Subject matter *considered* in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to enable Incumbent Ministers, in certain cases, to provide for the delivery of Occasional Sermons or Lectures in their Churches or Chapels by persons not in Holy Orders of the Church of England.

Resolution *reported:* — Bill *ordered* to be brought in by Mr. COWPER-TEMPLE and Mr. THOMAS HUGHES.

Bill *presented*, and read the first time. [Bill 22.]

UNION RATING (IRELAND) BILL.

On Motion of Mr. M'MAHON, Bill to assimilate the Law for the relief of the Poor in Ireland to that of England by substituting Union Rating for the present system of Rating by Electoral Divisions, *ordered* to be brought in by Mr. M'MAHON, Mr. DOWNING, and Mr. STACPOOLE.

Bill *presented*, and read the first time. [Bill 23.]

MARRIED WOMEN'S PROPERTY ACT (1870) AMENDMENT (NO. 2) BILL.

On Motion of Mr. STAVELEY HILL, Bill to amend the Married Women's Property Act, 1870, *ordered* to be brought in by Mr. STAVELEY HILL, Mr. RAIKES, and Mr. GOLDNEY.

Bill *presented*, and read the first time. [Bill 24.]

SITES FOR PLACES OF RELIGIOUS WORSHIP BILL.

On Motion of Mr. OSBORNE MORGAN, Bill to afford further facilities for the conveyance of land for Sites for Places of Religious Worship, *ordered* to be brought in by Mr. OSBORNE MORGAN, Mr. MORLEY, Mr. HINDE PALMER, and Mr. CHARLES REED.

Bill *presented*, and read the first time. [Bill 25.]

PARLIAMENTARY ELECTORS REGISTRATION BILL.

On Motion of Mr. PELL, Bill for consolidating and amending the Law for the Registration of Persons entitled to Vote in the Election of Members to serve in Parliament for England and Wales, *ordered* to be brought in by Mr. PELL, Mr. BOURKE, Mr. WILLIAM HENRY SMITH, and Mr. ROWLAND WINN.

Bill *presented*, and read the first time. [Bill 26.]

PUBLIC WORSHIP FACILITIES BILL.

Subject matter *considered* in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to provide facilities for the performance of Public Worship according to the rites and ceremonies of the Church of England.

Resolution *reported:* — Bill *ordered* to be brought in by Mr. SALT, Mr. COWPER-TEMPLE, Sir SMITH CHILD, Mr. AKROYD, and Mr. DIMSDALE.

Bill *presented*, and read the first time. [Bill 27.]

UNION OF BENEFICES BILL.

On Motion of Mr. SPENCER WALPOLE, Bill to amend an Act passed in the twenty-third and twenty-fourth years of Her Majesty's reign, intituled "An Act for the Union of Contiguous Benefices in Cities, Towns, and Boroughs," *ordered* to be brought in by Mr. SPENCER WALPOLE, Viscount SANDON, Mr. WILLIAM HENRY SMITH, and Mr. ANDREW JOHNSTON.

Bill *presented*, and read the first time. [Bill 28.]

CONTAGIOUS DISEASES ACTS REPEAL (1866—1869) BILL.

On Motion of Mr. WILLIAM FOWLER, Bill to repeal the Contagious Diseases Acts 1866—1869, *ordered* to be brought in by Mr. WILLIAM FOWLER, Mr. JACOB BRIGHT, and Mr. MUNDELLA.

Bill *presented*, and read the first time. [Bill 29.]

ALDERMEN AND COUNCILLORS QUALIFICATION BILL.

On Motion of Mr. DIXON, Bill to amend the Municipal Corporations Act of 1835, with respect to the Qualification of Aldermen and Councillors, *ordered* to be brought in by Mr. DIXON, Mr. CARTER, Mr. MUNDELLA, and Mr. STAPLETON.

Bill *presented*, and read the first time. [Bill 30.]

FIRES BILL.

On Motion of Mr. M'LAGAN, Bill to make provision for investigating into the causes and circumstances of Fires, *ordered* to be brought in by Mr. M'LAGAN, Mr. CHARLES TURNER, and Mr. AGAR-ELLIS.

Bill *presented*, and read the first time. [Bill 31.]

PARLIAMENTARY ELECTIONS (EXPENSES) BILL.

On Motion of Mr. FAWCETT, Bill to amend the Law relating to the Expenses of Returning Officers at Parliamentary Elections, *ordered* to be brought in by Mr. FAWCETT, Mr. BAINES, and Mr. M'LAREN.

Bill *presented*, and read the first time. [Bill 32.]

BASTARDY LAWS AMENDMENT BILL.

On Motion of Mr. CHARLEY, Bill to amend the Bastardy Laws, *ordered* to be brought in by Mr. CHARLEY, Mr. THOMAS HUGHES, Mr. EYKYN, and Mr. WHITWELL.

Bill *presented*, and read the first time. [Bill 33.]

House adjourned at Eight o'clock
till Monday next.

HOUSE OF LORDS,

Monday, 10th February, 1873.

ROLL OF THE LORDS.

The LORD CHANCELLOR acquainted the House that the Clerk of the Parliaments had prepared and laid it on the Table: The same was ordered to be *printed*. (No. 10.)

SOUTH SEA ISLANDS—OUTRAGES ON THE NATIVES.

ADDRESS FOR PAPERS.

THE EARL OF BELMORE moved that an humble Address be presented to Her Majesty for, Copies or extracts of any communications of importance respecting outrages committed upon natives of the South Sea Islands which may have been received from the Governors of any of the Australasian Colonies, from the Senior Naval Officers commanding in Australia and China, or from Her Majesty's Consuls in the Pacific since the last issue of papers upon this subject. Last Session he drew attention to two species of abominable crimes perpetrated in the South Sea on the natives of the Islands. The first was carried on under the name of "skull hunting," and the second under that of "kidnapping." In consequence of representations which had been made to him on the subject, shortly before he left Australia he made inquiries as to the practice of skull hunting. He found in some quarters that persons refused to believe in its existence; but the result of the inquiries showed that they were mistaken, and from what he had lately seen in the Australian press there seemed to be no doubt now of the existence of this barbarous practice. It was said that the whites did not take an actual part in it; but they hired ships to "the warriors," who carried on the practice as what they called a species of warfare. On the occasion in last Session to which he had already referred, he called their Lordships' attention to the proceedings of a person named Hayes, who was captain of a ship the name of which he did not now remember (the *Water Lily*), and also to several cases of kidnapping. Their Lordships had, no doubt, lately read in *The Times* an account of a horrible massacre which was committed on board the *Karl*, which was owned by a Dr. Murray, who had been medical officer to the municipality of Sandhurst, in Victoria, a town which even in this country would be one of considerable importance, and who must therefore have been a man of social position and of considerable medical eminence. Having read extracts from *The Times* respecting the *Karl's* proceedings, the noble Earl stated that this was the account given by Dr. Murray, who had been allowed to turn Queen's evidence, and, of course, it was as favourable as possible to himself. Other people, however, gave a somewhat different account, as would be seen by the following extract from a letter addressed to *The Australasian* newspaper, by a Dr. Mount, resident in Victoria, and whose son had been on board the *Karl*. Dr. Mount quotes from a letter from his son, as follows. He says—

> "On that frightful night of the fight, towards morning I stood over the main hatch, and protested in the presence of the crew against Dr. Murray's order to fire down on the natives in the hold, as long as they desisted from attacking us, and urged that they should be permitted to cool down. But no; Murray's orders to the crew were, to kill, shoot, exterminate them.' My son then, seeing that remonstrance was useless, says that he 'threw down his revolver,' telling them that 'the ship was safe, and he would have nothing to do with the bloody work.' Then Murray had the poor wretches fired into again, indiscriminately, down in the darkness of the hold, where hostile tribes having been packed together were already murdering each other. 'Furthermore,' adds my son, 'he ordered all the wounded to be thrown overboard.' Repentant Dr. Murray!"

The captain and one of the crew of that vessel had been found guilty of murder and sentenced to death. It was reported that the Government of New South Wales had commuted the sentences to one of imprisonment for life. He (the Earl of Belmore) had no doubt that the Governor of New South Wales had some good reason for the commutation; but he must say that he feared that unless a striking example were made, kidnapping would not be put down. During the progress through their Lordships' House of the Kidnapping Bill passed last year, he pointed out that the licenses to be granted under it would be misunderstood. They were regulation licenses; but he thought they afforded no real protection against the kidnapping; they were unnecessary, as the labour trade, if properly carried on, was not unlawful, as was clearly laid down by Sir Alfred Stephen, the eminent Chief Justice of New South Wales, while they might appear to render this country responsible for practices committed under cover of them. Their Lordships had seen in *The Times* a letter of Mr. March, our Consul, copied from the *Melbourne Argus*, with reference to proceedings in the Fiji Islands. Mr. March says—

> "Another native, a girl named Kate, to whom I will refer by-and-by, was abducted from the Consulate. . . . . No doubt the planters who are at present enjoying the services of these kidnapped people would object to be deprived of them; but I am of opinion that the inconveniences of the case should be settled between the parties who had dealings. At all events, bearing in mind that these savages were wrongfully imported, such considerations should not be allowed to weigh against their return. If our Government should be induced to detach a ship of war for the purpose of taking these natives to their homes, it would have a most splendid effect."

After describing the abduction of "Kate," he continues—

> "Of course, I reported these facts to the Fijian Chief Secretary. He told me that no doubt the police thought it a good joke to have a native kidnapped from the Consulate, but he would see into the matter. After the lapse of some weeks, I brought matters to an issue, and Mr. Thurston (the Minister for Native Affairs) then told me that if I wished to get the girl back I should have to lay a criminal information, or some such rubbish. The farce of an inquiry was gone through. I gave my evidence, and followed up my statements by producing witnesses, but I have never so much as been acquainted with the result, although I have learnt from a private source that my case had been fully established."

When last Session he called attention to the question of the definite recognition of the Fiji Government, his noble Friend the Secretary for the Colonies said that recognition would very much depend on the steps taken by the Fijian Government to put down those outrages. He would be glad to know what were the present views of Her Majesty's Government upon this subject. He believed Her Majesty's ships were doing all that they possibly could to put them down; but he complained that active steps were not taken sooner after the trials in the cases of the *Young Australian* and *Daphné*. He would conclude by moving for the Papers of which he had given Notice.

THE EARL OF KIMBERLEY: I have no objection whatever to the production of the Papers asked for by my noble Friend, and I am glad that the statement he has made gives me an opportunity of informing your Lordships of what has been done in this matter since last Session. Your Lordships may remember that last Session, at the time of the passing of what is known as the "Kidnapping Act," Her Majesty's Government promised that the squadron in the Australian seas should be increased, and that active measures should be taken against persons engaged in this kidnapping trade. I am glad to inform your Lordships that that promise has been vigorously carried out, that active measures have been taken, and that nearly the whole of the islands in the Pacific Ocean have been visited by Her Majesty's ships, inquiries made by the officers, and steps taken to suppress the practice. I think it desirable that I should read some extracts from the reports of the naval officers engaged in this service, as they will give you a better idea of the actual state of things than would be conveyed by anything I could say on the subject. My noble Friend (the Earl of Belmore) alluded to Captain Hayes, the master of a ship called the *Water Lily*. He is the most notorious man in those seas. There can be no doubt that he was one of the principal actors in the outrages that have been committed. His ship the *Water Lily* sometimes went by other names. Most careful inquiries have been made for him in the islands; but though the naval officers were often very near him and heard a great deal of his doings near the scenes of his action, they never succeeded in catching him. Every endeavour will, however, be made to effect his capture. The first ships employed in cruising over those waters were the *Barrosa* and the *Basilisk*, and detailed reports have been sent in by their commanders. The following is an extract of a report from Captain Moore, of the *Barrosa*, dated July 25, 1872. Writing with reference to proceedings on Knox Island, one of the Mulgrave Group, he states—

> "These natives were kidnapped in this way:—Canoes went off with fruit, cocoanuts, &c., for which a high price was given; this brought more natives off to the ship, and when a good many were on board, they were seized and put below; one old man escaped the last time by jumping overboard. They did not know what vessels they were, where they came from, or where bound. They also informed me Hayes threatened to seize the King and flog him if he

did not bring him oil and cocoanuts, and Hayes's mate, Pittman, took the King's daughter away by force, and still had her in his possession."

In the following extract from the same Report, the Marshall Islands, north of the Equator, appeared to be more specially referred to; but the statement also includes the Gilbert Group, which lie on either side of the Equator—

"The kidnappers come to the Northern Islands mostly for women, who are much better looking than the women of the more southern groups; they fetch at the Fiji Islands £20 a head, and are much more profitable to the slavers than the men."

With reference to statements made at Ebon Island, Captain Moore's Report contains this passage—

"Mr. Capelle, Captain Milne, and the missionaries residing here are unanimous in stating that many of the islands are quite depopulated, and others fast becoming so, by the kidnapping, and that the remaining natives are so exasperated that in revenge they have murdered several ships' crews lately, more especially in the southern parts of the Gilbert groups, and round about the Solomon, Ellice, Santa Cruz, and other adjacent islands, although formerly the natives of these groups were very friendly to Europeans. A shipwrecked crew would stand but little chance of their lives on many of the islands; they would be massacred without mercy, owing entirely to the outrages committed by these slavers, and from the natives not knowing how to distinguish friends from foes."

The last extract which I shall read from Captain Moore's Report has reference to the group of which Clarke's Island, called Francis Island on the chart, is the principal island. This small group belongs to the large group of Gilbert Islands—

"An Englishman informed me kidnappers have been here three times during that period. The last visit was about two years ago, when a Melbourne bark took 60 natives away; all the natives who attempted to escape overboard were shot down, and he had himself picked up the bodies of two natives killed in this way."

Captain Moresby, of the *Basilisk*, made a Report, dated 12th September, 1872; and in reference to the Mitchell Islands, Ellice Group, he says—

"A few months before Peter Laban's return three Spanish barks of a considerable size called off the island, and an old man came ashore who spoke the Polynesian tongue, and, calling the islanders together, told them the ships outside the reefs were missionary ships, and that the missionaries wished all the men of the island to come on board and receive the Sacrament. On this all the able men manned their canoes and went on board, where they were immediately secured. The ships' boats then came on shore, and the women and children were told their husbands had sent for them. Thus they were also induced to go on board; they were likewise secured, and then these accursed kidnappers bore away, it is supposed, for the Chincha Islands, with their prisoners. Two of the young men jumped overboard and swam back to their island. One of these I saw. Not one word has ever since been heard of the fate of those thus kidnapped. A native who could speak broken English corroborates, in every particular, the above story. . . . Since that time no kidnapping vessels have visited the Mitchell Islands."

Referring to the Tunafuti Island, Ellice Group, Captain Moresby states—

"About eight years since a Spanish or Peruvian bark called at the island, pretending they were a missionary vessel, and induced about 250 of the natives to go on board. Having secured these unfortunate creatures the bark proceeded to Callao; not one of these taken has since been heard of. . . . All goes to prove the great raid made by the Spanish ships eight years ago, and since that period no kidnapping, except the six men before referred to, of any consequence has occurred among the islands of the Ellice Group."

The last extract I shall read to your Lordships is from the same Report, and alludes to Vanua Lava, Port Patteson, belonging either to the Banks Islands or New Hebrides, which groups lie contiguous to each other—

"While at anchor in Port Patteson the *Southern Cross*, with the Rev. H. Codrington and other members of the Melanesian Mission on board, arrived from the Salmon Islands. From these gentlemen I learnt that they had not fallen in with any kidnapping or labour vessels, nor even heard of any searching among the Solomon Group this year. They accounted for this unusual fact by supposing that the new Act of Parliament and the presence of men-of-war had frightened the labour vessels away."

Your Lordships will see from those extracts that the action of Her Majesty's ships had already produced some effect. Now with regard to the *Karl*, my noble Friend (the Earl of Belmore) will remember that the circumstances to which he has alluded occurred a considerable time before the passing of the Act under which the present form of licence was granted. I think myself there may be a question as to the advisability of issuing such licences as those under the Act, though they are entirely different from those issued before the passing of the Act. I may observe that the licences now given were not in the Bill when it was introduced originally. Your Lordships have no doubt read the accounts in the public papers of the doings of the *Karl*, and I believe there is no doubt that those accounts are substantially true. The master and one man were sentenced to death, and four other persons to imprisonment for two years. A private telegram states that the capital sentence has been commuted; but we have no official notice of the commutation, and I cannot therefore state the grounds on which it was granted. As to Murray, he was the most atrocious criminal of them all; but he was not tried, because without the statements made by him it would have been impossible to convict the others, and on his becoming Queen's evidence our Consul gave him a pledge for his safety. Therefore, my Lords, however we may regret that he did not meet with the punishment he deserved, I think the Consul is in no way to blame. Nothing, I believe, can exceed the strength of feeling in the Australian Colonies on the subject of the *Karl*. The fact that she is a Melbourne vessel may have something to do with it; but I doubt not that there would have been quite as strong a disposition to see punishment inflicted on the offenders, even if she had belonged to any other place. There was the case of another vessel—the *Nukalau*—which had been traced to several islands, but there was not evidence to convict. This, I believe, was owing to the want of proper interpreters. Regard will be had to this in future in the case of all Her Majesty's ships employed in the suppression of this kidnapping. There are six of them already, and four more will be added to the squadron. I need not detail all the islands visited, nor the extent of ocean passed over by Her Majesty's ships; but on looking through the reports of the naval officers it seems to me, as a layman, that the proceedings have been exceedingly creditable to those engaged in them, and that the inquiries have been conducted in a very judicious manner. I should mention that the captain of a vessel named the *Challenger* has been condemned to 12 months' imprisonment, and I see it reported in the newspapers that the squadron has captured three more vessels. The Act was passed only last Session, and as the distance is too great to allow of very rapid communication, we cannot say at present that it has had time to be fairly tried. The same remark applies to the Fiji Islands. We have not yet had time to learn the effect of the Act on the Fiji Islands traffic, nor what effect the strengthening our naval force has had in those parts. As to the recognition of the Fiji Government, the question remains in the same position as before. We have acknowledged it as the *de facto* Government till we see what further steps it will take in regard to this traffic. I have no objection to the production of the Papers moved for by my noble Friend.

In reply to The Earl of LAUDERDALE,

THE EARL OF KIMBERLEY said, we had no power under the Act to interfere on the high seas with ships of another Power. Some communications had passed between Her Majesty's Government and some foreign Governments, and an assurance of assistance had been received from the Government of the United States. No doubt, if it were found that the traffic was promoted by ships of another nation, a communication with the Government of that nation would become necessary.

Motion *agreed to*.

Address for—

Copies or extracts of any communications of importance respecting outrages committed upon natives of the South Sea Islands which may have been received from the Governors of any of the Australasian Colonies, from the Senior Naval Officers commanding in Australia and China, or from Her Majesty's Consuls in the Pacific since the last issue of papers upon this subject.—(*The Earl of Belmore.*)

POOR LAW—CHILDREN OF ROMAN CATHOLIC PARENTS.

ADDRESS FOR A RETURN.

LORD BUCKHURST, in explanation of the object of his Motion, said, that in 1862 an Act was passed authorizing Boards of Guardians to place pauper children in other than union schools. In 1866 another Act was passed authorizing the Poor Law Board, on the application of the next of kin, or of the godfather or godmother, to remove a child from the union school to another school for the purpose of having it educated in the religion of its parents. In 1868 an Act was passed which required a register to be kept of the religion of the children in the workhouses. The object of these successive Acts was to secure that the children in the union whose parents were Roman Catholics should be educated in that religion—whereas previous to 1860 all such children had been brought up in the creed of the Church of England. After the passing of the Act of 1866 schools for the education of pauper children in the Roman Catholic religion were got up by private charity. That being so, he was surprised a short time ago to read a statement showing that a difference of practice in respect of such children existed in different Boards. The statement was one from the secretary of the Westminster Diocesan Education Fund—a Roman Catholic institution—to the Guardians of the Holborn Union, which complained of the grievance to Irish Roman Catholics of Boards of Guardians, causing large numbers of Roman Catholic children to be brought up Protestants. On seeing that statement he wrote to the secretary of the fund, who repeated the statement in a letter to him. If the statement was correct the action of the Guardians who brought up those children in a religion different from that of their parents was contrary to the spirit of the English law, to the intentions of the Legislature, and to the distinct terms of an Act of Parliament. With the view of eliciting official information on the subject, he begged to move for, Return of the number of children of Roman Catholic parents in each Union School in England and Wales on the 1st of January, 1873; also the number in each Union who have been taken into private asylums between the 1st of January, 1872, and the 1st of January, 1873.

THE EARL OF MORLEY said, he would consent to the Motion, subject to some slight alterations in the form of the Return, to which he understood that the noble Lord assented. He desired, however, to remind the noble Lord that if information was laid before the Local Government Board that a board of guardians did not voluntarily send the Roman Catholic children in their union to certificated schools, the President of the Board immediately examined into the case; and if he considered it a fit case for interference, made the necessary order. In some unions the number of Roman Catholic children was so large that provision was made within the union itself for the education of those children in their own faith, and they were not transferred to a Roman Catholic school.

Motion amended: Address for

Return of the number of children entered as Roman Catholics in the creed register of the several workhouses, separate workhouse schools, and district schools in England and Wales on the 1st January 1873; also the number of Roman Catholic children who have been transferred from such workhouses, separate workhouse schools, and district schools between the 1st January 1872 and the 1st January 1873 to schools certified under the 25th and 26th Vict. chap. 43.—(*The Lord Buckhurst.*)

House adjourned at Six o'clock, till
To-morrow, half past
Ten o'clock.

HOUSE OF COMMONS,

Monday, 10*th February*, 1873.

MINUTES.]—NEW WRIT ISSUED—*For* Lisburn, *v.* Edward Wingfield Verner, esquire, Chiltern Hundreds.

NEW MEMBER SWORN—John Torr, esquire, *for* Liverpool.

SELECT COMMITTEE—East India Finance, *nominated;* Public Petitions, *appointed* and *nominated;* Kitchen and Refreshment Rooms (House of Commons), *appointed* and *nominated.*

PUBLIC BILLS—*Resolution in Committee—Ordered —First Reading* — Shipping Survey, &c.* [43].

Ordered — First Reading — Railway and Canal Traffic* [34]; Prevention of Crime* [36]; Juries* [35]; Real Estate Settlements* [38]; Admiralty and War Office Rebuilding* [40]; Epping Forest* [39]; Victoria Embankment (Somerset House)* [41]; Vexatious Objections (Borough Registration)* [37]; Infanticide Law Amendment* [42]; Mine Dues* [44].

Second Reading—Local Government Provisional Orders* [2].

PARLIAMENT—RULES AND PRACTICE —NOTICE OF POSTPONEMENT.

QUESTION.

MR. ELLICE wished to ask the Speaker a Question with reference to the putting-off of Bills till the 20th of June —namely, whether Notice ought not to be placed on the Paper that the postponement of Bills was to be proposed?

MR. SPEAKER: If an hon. Member be desirous of postponing a Bill of which he has charge, it is the ordinary practice to allow him to move its postponement without Notice.

POST OFFICE—TELEGRAPHS— CHARGES FOR MESSAGES.—QUESTION.

LORD CLAUD JOHN HAMILTON asked the Postmaster General, Whether he can hold out any hopes of an early reduction in the present rate of charges for Post Office Telegraph messages?

MR. MONSELL: I am afraid that I cannot give an answer to the noble Lord's Question which will be entirely satisfactory. The strain upon the Telegraph Department has been very great. The number of messages continues to increase rapidly, and the demands for additional, or for extended accommodation are urgent. In the last three years 10,000 miles of line, with 50,000 miles of wire, have been laid down. No reduction in the price of telegrams could be made without a large increase of plant and staff. Calculations are being made as to what increase a sixpenny rate would necessitate, but they are not yet completed. Until they are, it is impossible for me to form an opinion as to the expediency of soon reducing the present rate of charge or to submit my views to the Treasury, with whom, as a financial question, the decision would ultimately rest.

REDISTRIBUTION OF SEATS (IRELAND). QUESTION.

MR. PIM asked the Chief Secretary for Ireland, Whether it is the intention of the Government to propose in this Session of Parliament any measure dealing with the redistribution of seats in Ireland, or whether they propose to fill up the vacancies arising from the disfranchisement of the boroughs of Sligo and Cashel before the next General Election, either by giving representation to two of the larger towns now unrepresented or in any other manner?

THE MARQUESS OF HARTINGTON: The Government are of opinion that a measure dealing with the redistribution of seats in Ireland is required, and I hope it may be possible for the present Parliament to consider such a measure before its dissolution. We do not, however, see any hope of being able to give sufficient time to the consideration of that measure during the present Session. As we think that if the thing is done at all it should be done in a complete manner, we do not propose to make any suggestion to the House as to the disposal of the two vacant seats arising from the disfranchisement of the boroughs of Sligo and Cashel.

ARMY—REGIMENTAL FACINGS AND BADGES.—QUESTION.

COLONEL NORTH asked the Secretary of State for War, If it is true that the facings and buttons of the Regiments in Her Majesty's Army are to be assimilated; and, whether Regiments which have been granted badges or marks of distinction for conspicuous gallantry in the field or for other reasons are to be deprived of them?

SIR HENRY STORKS: The facings of regiments are not to be assimilated. The regimental button for infantry has been abolished, and one pattern with the Royal arms adopted. There is no intention of depriving regiments of badges or marks of distinction, which will continue to be worn on the collars instead of on the buttons. This change was determined upon in 1870 in consequence of the difficulty which occurred in clothing the Army during the Franco-German War, owing to the variety of patterns, and His Royal Highness the Field-Marshal Commanding-in-Chief proposed—1, to abolish regimental buttons, and to substitute for them an universal pattern, the regiments to receive a money allowance for the purpose of providing and maintaining regimental distinctions which, borne hitherto on the button, would be worn in future on the collar; 2, to abolish regimental drummers' lace, and to adopt one pattern for the whole Army; 3, that all badges with regimental distinctions should be provided and maintained by regiments out of a money allowance. Previous to this arrangement there existed the following numbers of different patterns:—Buttons, 269; drummers' lace, 180; badges, 250;—total, 699. Upwards of 650 patterns have been abolished, and the Clothing Department simply provides an uniform to make the soldier effective, leaving the regiment to supply, out of a money allowance, any badge or distinction granted for service in the field, or for any other reasons.

NEW COURTS OF JUSTICE.—QUESTION.

MR. GREGORY asked the First Commissioner of Works, What is the cause of the delay in the construction of the New Courts of Justice, and when the building will be commenced?

MR. AYRTON, in reply, said, that at the beginning of last year he had stated that sketch plans and designs for the New Law Courts had been some time before approved by the Treasury and had been returned to Mr. Street, the architect appointed to carry out the work, in order that he might prepare contract plans and drawings. He was then under an engagement to prepare those plans and drawings within a period of six months; but it turned out that a great deal more time was required than had been anticipated, and though Mr. Street had, he believed, worked very diligently to fulfil his engagement, he had not completed the contract plans and drawings until a short time ago. They in fact amounted to no less than 300 drawings on a large scale, and it was necessary after they had been furnished that the surveyors should perform the operation known as "taking out the quantities" to enable the contractors to tender. That work appeared to be one of great magnitude, and had occupied more time than had been anticipated, and was spread over a great many hundred pages of foolscap. The result was, however, now in the possession of Mr. Street, and the tenders for contracts would, he hoped, be received on the 5th of March. If the tenders were satisfactory, the contracts would be made on one of them for the construction of the new buildings.

CRIMINAL LAW—NEW SOUTH WALES —COMMUTATION OF SENTENCES.

QUESTION.

ADMIRAL ERSKINE asked the Under Secretary of State for the Colonies, If it is true that a sentence of death passed in the Criminal Court of New South Wales, on the 20th of November last, on Joseph Armstrong and Charles Dowden for crimes described by the Judge on passing sentence as "of such a terrible nature as to be hitherto almost unknown to civilized men," has been commuted for a milder punishment; and, if so, if he can state the reasons for such commutation?

MR. KNATCHBULL-HUGESSEN, in reply, said, that he had, in common with the hon. and gallant Admiral, seen a telegram in the newspapers stating that the sentences on the persons to whom he referred had been commuted, but that he had received no official telegram or despatch on the subject. He was, therefore, unable to state officially whether the sentence had or had not been commuted.

SANITARY LEGISLATION.—QUESTION.

SIR CHARLES ADDERLEY asked the First Lord of the Treasury, Whether the entire omission in Her Majesty's Speech of any reference to the completion of recent sanitary legislation by a consolidation of the numerous existing Acts giving powers to the authorities now constituted, implies that the Government do not intend to introduce any measure this Session for effecting such consolidation?

MR. GLADSTONE said, it was not the intention of the Government to take any immediate steps for the promotion of sanitary legislation.

QUEEN'S COLLEGES (IRELAND)— GRAND JURY LAWS (IRELAND).

QUESTIONS.

THE O'CONOR DON asked the Chief Secretary for Ireland, When the Returns relating to the Queen's Colleges in Ireland, ordered on the 26th July 1872, will be presented to the House; and also whether it is his intention to introduce during the present Session a Bill to amend the Grand Jury Laws of Ireland?

THE MARQUESS OF HARTINGTON, in reply, said, the Returns relating to the Queen's Colleges were of a somewhat complicated character, and that it had been found necessary to send them back for correction in consequence of a considerable number of inaccuracies. He was, however, informed that they were now ready, and they would, probably, be laid on the Table in the course of the week. A Bill to amend the Grand Jury Laws (Ireland) had been brought in last Session, and it was ready now to be reintroduced with some not very important modifications. He had, however, some doubt with respect to the expediency of proceeding with such a measure immediately, as the reform of the Grand Jury Laws was only part of the very large subject of local administration and taxation, which was likely to receive a considerable amount of attention during the next few months. He would be able to state in a few days whether the Government proposes to go on with the Bill, in whole or in part, during the present Session.

INTERNATIONAL EXHIBITION, VIENNA, 1873—THE EMBASSY CHAPEL.

QUESTION.

Mr. R. N. FOWLER asked the Under Secretary of State for Foreign Affairs, Whether his attention has been called to the omission of Church Service at the Chapel of the Embassy at Vienna; and whether, especially in view of the approaching Exhibition, arrangements will be made that in case of the illness of the Chaplain another clergyman should supply his place?

Viscount ENFIELD: I am aware that on a few occasions, owing to the illness of the chaplain, there has not been Divine service at the British Embassy at Vienna, and it is not always easy to procure a substitute at very short notice. There is no regular chapel at the Embassy, and as the room in which service is performed, through the courtesy of the Ambassador, is only about 30 feet in length, I fear it may not accommodate as large a congregation as might wish to attend during the Exhibition. Sir Andrew Buchanan has suggested that an arrangement should be made with some Protestant Church in Vienna for English services being celebrated in it on Sundays by English clergymen.

PARLIAMENT—BUSINESS OF THE HOUSE—THE RESOLUTIONS.

QUESTION.

Lord ELCHO asked the Chancellor of the Exchequer to fix some definite time for bringing on the Resolution with respect to the Business of the House which stood on the Paper in his name. It was undesirable that it should be taken at the dinner-hour or very late in the night.

The CHANCELLOR of the EXCHEQUER said, he hoped the discussion would not come on during the dinner-hour; but he was sorry to say he must bring on the Question whenever he found an opportunity to do so.

PARKS REGULATION ACT—HYDE PARK —THE NEW RULES.

Mr. BRUCE: In pursuance of the Notice which I gave on Friday I beg to lay on the Table a copy of the substituted Rules under the Parks Regulation Act, and it would, perhaps, be convenient to the House that I should state the substance of those Rules.

Mr. OSBORNE: Mr. Speaker, I rise to Order. I wish to ask you, Sir, whether it is open to the right hon. Gentleman to enter on this subject, seeing that there is no Notice with respect to it on the Paper.

Mr. SPEAKER: The right hon. Gentleman stated in his place last week that he intended to lay on the Table of the House the new Rules with reference to the Regulations for the Parks. In pursuance of that Notice he is now, as I understand, about to move that those Rules lie upon the Table. The proceeding is quite regular.

An hon. Member: The statement that the right hon. Gentleman is about to make is likely to lead to a debate, and therefore I wish to know whether he intends to conclude with a Motion?

Mr. BRUCE: It is not my intention to make any Motion. All that I desire to do is to state the substance of the new Rules that we are about to lay upon the Table of the House.

An hon. Member: Then, Sir, in that case, I must object to the right hon. Gentleman making any statement whatever.

Mr. SPEAKER: The right hon. Gentleman must necessarily conclude with the Motion "That these Rules do now lie upon the Table." Upon that Motion a debate may arise.

Mr. BRUCE: It was not my intention to bring on a debate at this moment; but, at the same time, I think that it is for the public convenience that the new Rules should be laid before the public at the earliest possible moment. The former Rules were issued upon the 1st of October last, and the House is aware that under them it was provided that when it was intended to hold a meeting in the Park notice of such an intention must be given by two householders.

Mr. NEWDEGATE: I beg to ask whether the hon. Member for Waterford (Mr. Osborne) was not perfectly right when he interrupted the right hon. Gentleman. Is the right hon. Gentleman right, without concluding with a Motion, in making a statement which the Rules of the House will prevent any other hon. Member from replying to?

Mr. SPEAKER: I have already stated that the right hon. Gentleman must necessarily conclude by moving "that these Rules do lie upon the Table," and that the Rules of the House will permit a debate to take place upon that Motion.

MR. BRUCE: I should have been glad to lay the new Rules upon the Table of the House without making any Motion, because I am quite sure that it will not be for the convenience of the House that a debate should be brought on when the House is not prepared for it. Under these circumstances, I shall content myself by moving that these Rules do lie upon the Table of the House without making any comment upon them. The new Rules are as follows:—

> "No Public Address shall be delivered, except in the open part of the Park which is bounded by the horse-ride running from the Marble Arch to Victoria Gate, and thence to the Powder-Magazine, and by the carriage drive running from the Powder-Magazine along the Serpentine to Hyde Park Corner, and thence to the Marble Arch; and no such Address shall be delivered in any place where the assemblage of persons to hear the same may cause obstruction to the use of any road or walk by the Public, or to the use of the Park by the Military or Volunteers, or to the use of the Park under any of the reservations contained in the above-mentioned Act; and no such obstruction shall be wilfully caused by any person forming part of any assemblage which may have met to hear any such Address.
>
> No Public Address of an unlawful character, or for an unlawful purpose, may be delivered.
>
> No assembly of persons is permitted in the Park unless conducted in a decent and orderly manner."

I beg to move that these Rules do lie upon the Table of the House.

MR. RYLANDS, who had given Notice to move "That this House disapproves of the course taken by the First Commissioner of Works in respect of the Parks, as being calculated to weaken the authority of the law," said, he rose for the purpose of expressing his satisfaction at the course which, it had just been announced, Her Majesty's Government intended to pursue in reference to this matter. It must be very satisfactory to the House generally to find that Her Majesty's Government have thought fit to withdraw the very extraordinary Rules which had been issued during the Recess by the First Commissioner of Works under circumstances which amounted to a positive breach of faith not only as regarded the public, but also as regarded many hon. Members of that House, who had accepted the measure on the clear understanding that no Rules were to come into force for the regulation of the Parks until they had been laid upon the Table of that House for a certain definite time. Without entering into any matters personal to himself that had occurred in communications between himself and the right hon. Gentleman (Mr. Ayrton) and the Government, he felt bound to state that the issuing of these Rules during the Recess amounted to a positive breach of the pledge given on the part of the Prime Minister that they should be laid upon the Table of the House before they were put into force. It would be in the recollection of hon. Members that the Prime Minister had said that, unless unforeseen circumstances of an exceptional and temporary character should arise, no new Rules would be issued without they had obtained the previous sanction of that House. It was quite clear that by issuing the Rules now set aside just after the Prorogation of Parliament, Her Majesty's Government had broken their pledge to leave this subject under the control of that House, and therefore it was highly satisfactory to find that they had now withdrawn the Rules so issued by the First Commissioner, and that they intended for the future to lay upon the Table of the House any new Rules which they might think fit to draw up for the regulation of the Parks. He had now to consider what course he ought to adopt with regard to the Motion of which he had given Notice for to-morrow—a Motion which practically amounted to a Vote of Censure upon the First Commissioner of Works. He had given that Notice under the impression that the Rules issued during the Recess were to be maintained, and had they not been withdrawn he should have felt it to be his duty to have proceeded with it. Before he intimated the course he intended to pursue in reference to the Motion, he might state that a first set of Rules had been prepared in July last, but that they were so absurd that they were not even placed upon the Table of the House. He did not intend on the present occasion to discuss the merits of either the first set of Rules or of those which had just been abrogated; but he should content himself with expressing the pleasure he felt at the withdrawal of the latter Rules, and the placing of the new Rules upon the Table of the House. Under these circumstances, he doubted whether any practical good would result from his proceeding with his Motion to-morrow, and therefore he did not intend to trouble the House with it. He must, however, remind the House that these Rules, for which the First Commissioner was responsible, had been unanimously condemned by the leading organs of opinion in this country. Thus, *The Times*, *The Daily News*, and *The Standard* had in an especial manner expressed their condemnation of these Rules, and, consequently, the course that had been taken by the right hon. Gentleman. The Rules themselves, on becoming known to the public at large, were received with mingled ridicule and contempt; and now the official superiors of the right hon. Gentleman had, by withdrawing them, passed a Vote of Censure upon the right hon. Gentleman which was even more weighty than if it had been passed by the House itself. If, under these discreditable and humiliating circumstances, the right hon. Gentleman was content to hold the office which, in reference to these transactions, it could scarcely be said he had adorned, he (Mr. Rylands) was afraid he should fail in producing any effect upon his mind by proceeding with his Motion to-morrow. He trusted, however, that the right hon. Gentleman had been taught a severe lesson, and that the public would, therefore, be saved from a repetition of such conduct. He hoped, moreover, that what had occurred had maintained the dignity of the House, and had taught the Members of the Executive that they must not rashly attempt to take upon themselves to deal with matters which the House had advisedly retained under its own control. He begged, in conclusion, to give Notice that it was not his intention to proceed with the Motion standing on the Paper for to-morrow in his name.

Mr. OSBORNE said, he did not wish to add to the difficulties of the situation:—he rose for the purpose of asking whether the hon. and patriotic Member who had just thought fit to make so pointed an attack upon the First Commissioner of Works had ever inquired whether, in using the Rules complained of, the right hon. Gentleman had not been acting under the direct instructions of the Cabinet. He had not the slightest desire to provoke a debate on this subject; but he wished to give notice of his intention to ask the right hon. Gentleman the Secretary of State for the Home Department whether he, having withdrawn these obnoxious Rules, which had been issued nominally by the First Commissioner of Works, but which, it might be assumed, had received the sanction of the Cabinet before they were issued by the right hon. Gentleman, it was his intention to withdraw from the prosecution which had been instituted against the persons who were stated to have broken those Rules; and whether the money would be returned to the unfortunate gentleman who had been already fined under those Rules?

Lord ELCHO would not say whether the Rules were wise or not, but he was sure it was the wish of the House that the blame should be placed upon the right shoulders. It might be perfectly true that these Rules were issued by the Chief Commissioner of Works; but that was no reason for assuming that they had been drawn up by him. He wished to know whether the original Rules were drawn up by the First Commissioner with the approval of the Government before they were issued; and whether the Rules which had been substituted to-night were Rules drawn up by the Cabinet or by the First Commissioner and approved by the Government? He thought that, in justice to the First Commissioner, these facts should be known to the House and the public.

Mr. ANDERSON also wished to ask the right hon. Gentleman whether the objectionable Rules were withdrawn so far as the other Parks, as well as Hyde Park, were concerned? The Rule that two days' notice should be given to the authorities applied not only to Hyde Park, but to six other Parks. One of the Rules applied also to Primrose Hill, which was at one time thought a most proper place for the meetings of the working classes; but now all public meetings there were prohibited.

Mr. VERNON HARCOURT: Sir, I have been for some time connected with the subject of this Bill, and whatever anybody may think of this matter, we should all be of one opinion, that this may be the last time we may hear anything of what we must all feel as being, from first to last, an ignominious transaction. I do not think that the scene which has taken place to-night—the shouts of laughter with which the last edition of the Rules has been received by the House of Commons—are likely to inspire deep respect for the enforcement of the law in this country. Now, a wiser thing—I am afraid we shall not do the wiser thing in this House—but the wiser thing to do would be to repeal this foolish Act. For 200 years the English people have been left alone; the English people have done very well; and it was not until you unnecessarily and foolishly endeavoured to meddle with things which would have been better left alone that you produced mischief in public order; and the greatest of all mischiefs which can ever occur in this country is disrespect to the law and contempt of the action of Parliament. Now, Sir, why these words "public addresses?" and these geographical limitations, which we have heard of to-night? These words "public addresses" make a man laugh to hear of them. We have not yet begun to legislate for private addresses in the Park; perhaps we shall come to that when constructive legislation has reached its full development. This Bill and its consequences are a monument of modern legislative sagacity and of administrative capacity. I do not know whether the Prime Minister wishes to repeal the provision against using soap in bathing. Sir, the House of Commons has come to this—that it belongs to its dignity and majesty to prohibit people who bathe in the Parks from using soap. There is legislation, also, which we are asked to enact, prohibiting fishing in the Serpentine. That is a very innocent amusement; it does not very often succeed. It is generally attended with the pleasures of hope, and seldom with the pleasures of memory. I have seen boys derive great pleasure from it; and here Her Majesty's Government come forward and prohibit boys from fishing in the Serpentine as a thing that belongs to the enlightened legislation of modern times. Now, look at these Rules; why they would make any author jealous. They have gone through four editions in six months. I do not think that anyone who has not studied this literature as carefully as I have done knows what they are. You have four sets of Rules all contradictory. Before my right hon. Friend at the head of the Government answers the Questions put to him, I think it well that my noble Friend opposite (Lord Elcho) and my hon. Friend the Member for Waterford (Mr. Osborne) should specify which of the four sets of Rules they mean. The first set of Rules came forth like Minerva, full armed, from the head of the Jupiter of the Board of Works. The Board of Works has been an unlucky failure from the beginning. The first form of Rules was stillborn. We have had Papers presented to us; but they begin like that story which commenced in the middle, because the first Paper begins with the statement that the Rules of 11th July, 1872, are thereby cancelled. Where are these Rules? Parliament has never seen them. I am one of the few persons who possess a presentation copy of the Rules with the compliments of the author. I shall preserve them as long as I live as the suppressed Rules of the Parks Act. They belong to a well-known chapter in the history of the Curiosities of Literature, and I am sure that in a few years hence they will be worth £50. I shall bind them up and keep them in my library as a specimen of the great men of former times, and to show what the statesmen of the latter end of the 19th century could do. These Rules were issued on the 11th of July. I will tell you why they were issued on that date—because it was known that Parliament would rise on the 10th of August, and therefore a month would not be left between their issue and the rising of Parliament, which was reserved to consider the Rules under the Act. If they had been issued contemporaneously with the Act on the 27th of June, the power of Parliament, which it had reserved, would have been exercised. Therefore, it was necessary not to issue them on the 27th of June; so they were reserved until the 11th of July, which, as you will see, just wanted a day of the time which would have given Parliament the proper period to consider them. Now, my hon. Friend the Member for Warrington (Mr. Rylands) two or three days after—on the 1st July—asked when those Rules would be issued, in Committee of Supply, and he was informed by the First Commissioner of Works that they would be issued within a week. They were not issued within a week; they were not drawn up for 11 days afterwards, because had they been so drawn up Parliament would have been able to consider them. They were drawn up and sealed on the 11th of July. The Act of Parliament says that they should be laid on the Table of the House forthwith; but they were not laid on the Table of the House forthwith. They were kept back for six days, because even then there would have been time enough left for Parliament to consider them. They were laid on the Table on the 16th of July; but they were not circulated among the Members of the House of Commons, although they were circulated among the Members of the House of Lords. Now, about the 19th of July, having heard the assurance of the First Commissioner of Works that they would be prepared within a week, I asked to see these Rules; and I intimated that if the Rules were persisted in I should put a Notice on the Paper, whatever period of the Session it was and if necessary, on consideration of the Appropriation Act, and at the very last hour of the Session resist them. A communication was made to me that if I would desist from this proceeding these Rules would be cancelled; and on the 26th of July, 1872, the following document appeared:—"The Rules dated the 11th of July, 1872, and sealed by the Commissioner of Her Majesty's Works and Buildings, are hereby cancelled." That was a perfectly full and fair performance of the promise, made to me and to my hon. Friend the Member for Warrington. [Mr. GLADSTONE: By whom?] If the right hon. Gentleman wishes me to say I shall have no objection to do so. If the right hon. Gentleman addresses himself to a Colleague who sits on one side of him he will perhaps give the right hon. Gentleman a full explanation.

MR. OSBORNE: Which side?

MR. W. E. FORSTER: The hon. and learned Member refers to the person who sits on the right side of the right hon. Gentleman—that is myself. The hon. and learned Member is not quite right in his statement. It is quite true the hon. and learned Member showed me the Rules; but I told him afterwards that they were cancelled.

MR. VERNON HARCOURT: I accept the correction of the right hon. Gentleman. I do not lay any stress on that part of the transaction; but this is a material part—What were the new Rules which took the place of those suppressed Rules which we never saw? The new Rule laid on the Table of the House was this—

"The Park may be used and enjoyed in the same manner, so far as consistent with the statutory regulations, as it was used and enjoyed before the passing of the Act."

Now, that was what I distinctly understood was to be done. We were satisfied with that; it was a *reductio ad absurdum* of the Parks Act. It was that everything was to remain as it was before. Well, nothing could be more satisfactory. I saw these Rules posted up in the Park with the greatest satisfaction, and I went away to Scotland. We had finished the Parks Act and the Licensing Act, and we went away happy. I went away, but I went away deluded, as I have been on many points; because I took for granted that when the Rules were issued by the Office of the Commissioner of Works, under instructions of an Act of Parliament that these Rules should be laid on the Table of Parliament forthwith, if Parliament was sitting—that the instructions of the Act of Parliament should be obeyed. Well, we live and learn, and I have learnt that the time has arrived when a Minister of the Crown would disobey an Act of Parliament. This is a very grave matter. I see the hon. and learned Attorney General present, and I appeal to him—if he will take in his hand the Parks Act, and will look at the clause to the effect that the Rules should be laid forthwith on the Table of Parliament—to say whether to disobey the orders of an Act of Parliament is not a misdemeanour on the part of a Minister? The Journals of the House show that the Rules in this case were not laid on the Table, and I will therefore ask the hon. and learned Gentleman whether he intends to proceed against the offender or offenders as he would against any humbler person, or if the offender is to escape scot free in a country which professes to administer the law with impartiality? I would ask the Attorney General—supposing, in his opinion, it is not a misdemeanour, and if the Act of Parliament has not been disobeyed—whether he intends to proceed against all classes of Her Majesty's subjects for breach of the law? This is a great matter, concerning the dignity of Parliament; because if Parliament is to pass Acts of this kind and to reserve to itself certain matters, and for that purpose should order Rules to be laid on the Table when it is sitting, then it is a high contempt for the authority of Parliament to disobey that order. I must not be told that some intimation was given during the sitting of the House that some Rules would be issued. I am not to be told that then there was some misunderstanding. The House of Commons has no power to remit an Act of Parliament of its own accord; that power belongs to the three Estates of the realm, and the language of an Act of Parliament cannot be answered in the Court of Queen's Bench by quotations from *Hansard.* I should like to know, therefore, what course the Government mean to take in order to vindicate the law in this matter. I pass now from the second and come to the third edition of the Rules. The history of this point is a curious one. I understand that in the case of the first set of Rules they were issued by the First Commissioner of Works, without the knowledge of the Government or any Member of it. I understand that to be correct, but we shall see. We are now living in the "Palace of Truth," and we shall hear the truth of it. Well, I heard that the Cabinet censured the First Commissioner of Works and overruled the Rules. The next stage of the proceedings is that Parliament rose, and the First Commissioner of Works, after being overruled by the Cabinet, proceeds in turn to overrule the Cabinet. Of course all this is susceptible of a different explanation. So far as I understand it is a *Comedy of Errors* from beginning to end. One part of the Government overrules the other, and then the other part overrules it again in turn—until we come to the statement we have heard to-night. The question is, what are we to do under these circumstances? I think the hon. Member for Warrington (Mr. Rylands) has taken a very judicious course. It is impossible to look at the thing seriously. It is past the point of seriousness, and I think we may apply to the First Commissioner the well-known words, "*Solvuntur risu tabulæ; tu missus abibis.*" Well, there were two courses before us, and if the hon. Member for Warrington had not taken the course he did, I should have taken it, for I hold it to be a canon of Parliamentary honour that no man should make a statement out of this House which he cannot justify within it. I never have made a statement unless I have been prepared to come forward and defend it. The hon. Member for Warrington had a very definite object, and that object was to take out of the control of a person whom we consider unfit the government of a very delicate and important matter. That might be accomplished either by taking the Commissioner from the Office of Works, or the Office of Works from the Commissioner. The Government have adopted the latter course, the Home Secretary having undertaken the conduct of these affairs instead of the First Commissioner. Upon the whole, I should have preferred the former course, for the result of what has been done is to create a new sinecure in the shape of the Office of Works which no longer had any duties to perform. If, however, the right hon. Gentleman is satisfied with his position, I do not see why Members should be dissatisfied with it. Every man must be the judge of his own honour. We have taken the measures which were necessary to vindicate our own, the right hon. Gentleman will take care of his, and we may part from the right hon. Gentleman with perfect good humour. I am glad that the matter has fallen into the hands of the Home Secretary, who is sure to treat it with good temper, good nature, and, above all, with good faith. If the Home Secretary will allow me I will make one suggestion with reference to the new geographical Rules. At the beginning of this Parliament we set to work to make the Cab Regulations—admirable measures, full of philanthropy and wisdom, but somehow unsatisfactory to all the cab-going public. Cab-drivers did not like them, cab-riders did not want them, the police did not insist on them, and the magistrates did not enforce them. So they quietly dropped out of sight. Now, if Parliament will not take the reasonable course of repealing the Parks Act, let them make a clean sweep of the Parks Regulations as was done with the Cab Regulations. Our national habits make it essential that some such course should be taken. Every year Parliament passes hundreds of statutes which would be intolerable if anybody even thought of carrying them out. A friend of mine, an admirable artist, has published a "Book of Nonsense." But Parliament publishes every year a much more celebrated "Book of Nonsense," called the Statute Book. It perplexes the Judges and annoys the public; nobody can make head or tail of it; but, luckily, common sense comes to the rescue, and it is not enforced. Allow the Parks Act to become a dead letter, and no mischief will come of it. If effect be given to all this vexatious, annoying legislation, we shall have to emigrate in order to seek for liberty in some despotic country. The habits of English people, however, prevent English law from being so intolerable as it might otherwise be. I venture to recommend the precedent of his own Cab Regulations to the Home Secretary, who now has charge of the Parks *vice* the Chief Commissioner retired, and the abandonment of these Rules, though not a dignified course, will at least be a sensible one.

Mr. AYRTON: Sir, considering the zeal my hon. and learned Friend who has just sat down has expended during the Recess for the interests of the metropolis, I am not surprised that he should be unable to contain himself on this occasion, and I should hardly venture to rise to offer any apology for the course I have taken if I did not observe that the House of Commons is equally the subject of his denunciations—that all the proceedings of Parliament are equally obnoxious, equally foolish, equally ridiculous, and equally to be disregarded. And in point of fact it is quite evident that—especially since the Reform Act of 1832—Parliament has been from year to year meeting and acting under a complete delusion, and that it is still under the hallucination that its proceedings are in some way for the benefit of the public. They are now treated to one of the lectures of my hon. and learned Friend on the philosophy of legislation, and should he so affect the minds of Members of Parliament and the public in general that he may some day conduct the proceedings of Parliament according to his own dictation, I hope, Sir, I shall not live to see that day. If I understand the speech of my hon. and learned Friend by the philosophy he expressed in a place which is devoted to the study of the habits of the ancients—of Greece, of Rome, and of the Holy Land, and of this land in the time of the Druids—if I understand what he means, it is that all legislation of a specific and precise character for the purpose of regulating in detail any of the actions of men is wrong, and that the true principles on which we ought to proceed are those prevailing when the Druids had their settlement in these places, with which he is doubtless acquainted. In the times to which the hon. and learned Member alludes, when Parliament first assembled, the industry of the country was small, the population was small, and the wants and requirements of the country were small; but as society has grown, and its relations have become more and more intricate, legislation has had to follow. The Acts of Parliament of this country are nothing more than the journals of the exigencies of the country from day to day, for which we have from time to time to provide a proper remedy. That is the principle upon which we proceed, though the hon. and learned Member has not yet discovered it. In accordance, therefore, with the growing calls for legislation, we have been accustomed to pass Acts of Parliament authorizing municipal and other bodies to make rules to regulate the details of affairs, when these details were too small in their character to engage the deliberation of Parliament. Parliament has stopped short in these Acts precisely at that point where it has indicated for what purpose and in what manner those rules were to be made; and there are abundant instances in the statute book, especially in recent times, of powers of this kind being delegated, and not a few instances of powers being delegated for the express purpose of enabling the inhabitants of particular localities to derive real enjoyment from the Parks and open spaces placed at their disposal—an enjoyment which they could not have unless there were certain rules to regulate the relations of one person to another, and preventing selfish men claiming for themselves, in the very worst spirit, something inconvenient to others. That is a very simple principle, and it was the principle upon which I proceeded. I was not in a hurry to enforce my views upon the House, because the subject has much engaged the attention of the House in times gone by, and it has also in years gone by engaged the attention of Metropolitan Members. How different was the conduct pursued in former years, when they approached the question with a sense of responsibility, from that of the hon. and learned Member during the Recess. Then, when people thought they had a right to go into the Parks and appropriate them to their own purposes, they asked the Metropolitan Members to meet them that they might be sustained in their assertion of right. They were asked upon what grounds they based their views; and when no sufficient ground was stated, it was said—"We are quite ready to assist you in ascertaining the grounds upon which you claim; if you can get any learned counsel to advise you that you have the smallest legal ground to justify you in what you are doing, we shall be ready to support you. You must, however, understand that our view is that the Parks are the property of the Crown, and are administered by officers of the Crown, and if you want to go into them for purposes of your own you must go for permission to the officers of the Crown, who are responsible to Parliament and not to you." That was the advice we gave them, and after that I never heard any more of the grounds or of any legal opinion to justify the right to go into the Parks, and to dispose of them at the "will of the people," as it is called —which seemed to be a resolution come to by half-a-dozen people in an obscure pot-house. That being so, I brought in this Bill. I said—"I do not pledge myself to any of the Rules, because there is great difference of opinion as to how the Parks should be managed." I sent the Bill to a Committee upstairs, one-third of whose Members represented metropolitan constituencies, and I invited free discussion upon what should be the scope of the regulations in the Bill. The Committee settled it, after full and free discussion, and the clauses were unanimously agreed to except one, upon which there was, I may say, a political difference of opinion. I brought the Bill, as the Committee reported it, under the consideration of the House, and I invited the attention of the House to the facts. A controversy in a Committee of the Whole House undoubtedly arose in reference to the particular regulations to be made, and especially in reference to one that no addresses should be delivered in the Parks, except in accordance with the Rules to be made. This rule was in accordance with that adopted in general by local authorities throughout the country, who had limited the use of their Parks in this same way. I stated myself in the House what were the Parks to which it was proposed to extend the Rules, and I stated especially what were the Rules which I intended to make if the Act passed. I gave the heads of the Rules, so that there might be no mistake. After I had done that, what happened? What said the hon. and patriotic Member (Mr. V. Harcourt) who has addressed us with such force and feeling just now? He said that he could not help stating that if the First Commissioner of Works had two months ago made the statement that he had just then made, he would have saved a great deal of time and unnecessary discussion; and, thereupon, he mitigated his hostility to the measure, and, finally, said that after the concession that had been made he should no longer oppose the Bill. After that, what right can the hon. and learned Member have to say that he is greatly disconcerted that I should have issued Rules entirely in accordance with the assurances that I had before given to the House during the passage of the Bill? ["No, no!"] Yes, in entire accordance with the assurances that I then gave. My statement was only shortly reported; but if it had been reported in full, the hon. and learned Member would see that it was as clear as possible that the Rules for allowing meetings would be confined to five Parks and to the four topics respecting which they had been issued. I am now quite at a loss to know how the hon. and learned Member can object to the steps taken to give effect to the views I expressed on that occasion, or charge me with a want of good faith in dealing with the matter, since the whole House, with one or two exceptions, accepted my programme? Another topic launched by the hon. and learned Member is this—that if the Rules were made in good faith, still they were not issued in good faith. But this charge seems the result of a want of attention on the part of those who have undertaken on this matter to know more than anybody else, and have made it their special study to enlighten the public, and especially the working people of this metropolis. But what are the facts? The question whether the present Rules should be made on the authority of the Crown, or upon the joint authority of the Crown and the Houses of Parliament, was fully discussed during the progress of this Bill. Nothing could have been put before the House more clearly. It came about thus: the hon.

Member for Warrington (Mr. Rylands), who is so aggrieved that the Rules had been put in force without the express sanction of the House of Commons, himself placed upon the Table a clause to be engrafted into the Bill, that the Rules should be issued by the Crown and should afterwards be laid on the Table of the House, and that they might be disallowed if both Houses agreed to the disallowance. I should like to know if that proposal had been carried what would have become of the contention that the House of Commons should be consulted before the Rules were put in force? Under his own proposal the Rules to be made by the Crown could not have been touched unless both Houses agreed to a Resolution that they should wholly or in part be rescinded. Seeing this, I moved a similar clause, but modified it to this—that either House of Parliament should have power, after the Rules had been laid upon the Table, by resolution to disallow those Rules. During the discussion an hon. Member moved an Amendment that the Rules should not come into force until they had been approved by the Houses of Parliament, and the House discussed that Amendment, and, by an overwhelming majority, rejected it. And yet now we are told that the Government should have respected—not the decision of the House, but rather what some hon. Members thought more desirable for the public interest. That would be a strange mode of conducting Public Business. The statements that were made, not only by myself, but by the Secretary of State and by others, were conclusive. In the course of the debate the hon. and learned Member for Oxford (Mr. V. Harcourt) himself said that if the construction put upon the clause by the Secretary of State was the true one, it would have this result—that the Rules could be in force six months while Parliament was not in Session, and it was only when Parliament reassembled that it would have an opportunity of expressing its opinion upon them. How could he after that say that the understanding was that the Rule should be exactly the reverse?

Mr. VERNON HARCOURT: I never said anything of the kind.

Mr. AYRTON: It now comes to this—that the hon. and learned Member is satisfied that it was quite understood when the Act passed that the Rules should be made by the Crown, and might be enforced six months before Parliament happened to meet.

Mr. VERNON HARCOURT: The right hon. Gentleman quite misunderstands me. I have never said that the Act prevented the Rules from coming into force during the Recess. The charge that I have brought against the right hon. Gentleman is that this Act having passed the House of Commons on the 19th of April, he deliberately kept it and the Rules back, so that the power of investigating these Rules by Parliament could not come into operation.

Mr. AYRTON: I am very much obliged to the hon. and learned Gentleman for his explanation; but when the hon. and learned Member is always giving utterance to his opinions both inside and outside of the House, one is apt to confound what he has written outside with what he has said inside. The House would remember the great indignation which, based upon the letter of the hon. and learned Gentleman, during the Recess ran through the Press and through some of the taprooms of the metropolis at what was termed the ill-faith of the Government in inducing Parliament to assent to this clause. It was stated that the Government had represented that in so doing the Rules would first be approved by Parliament. That was what was stated during the Recess; but now we are agreed that nothing of the kind occurred. It is now understood that the Rules might be enforced during the Recess upon the authority of the Crown, though that was not the view which the hon. and learned Gentleman took in his correspondence which appeared in *The Times*.

Mr. VERNON HARCOURT: I must rise to Order; the right hon. Gentleman has stated—["Order, order!"]

Mr. SPEAKER: The right hon. Gentleman, being in possession of the House, is in Order: it will be open to the hon. and learned Member, when he has concluded, to make any explanation which he thinks proper.

Mr. AYRTON: My hon. and learned Friend has now taken up new ground—namely, that the statute having been passed in the sense in which I have explained it, and the conduct of the Government having been perfectly in accordance with the intention of Parliament when they passed the Act, yet, notwithstanding, something wrong had been done, because there was delay in laying the Rules before the House. I will address myself to that charge. What happened was this. The Bill took some time in passing through this House: it then went to the other House; and there it was amended, and from various causes connected with the progress of business there was delay before the Act, as amended, came under the consideration of this House. When we were about to pass the Bill I detected a flaw in it, the effect of which would have been that the Bill would have come in force immediately, whilst a considerable time was required after the passing of the Act to make the Rules and put them in force. I therefore procured the Bill to be amended in the House of Lords in order to get over this difficulty, so that the Rules should not come in force until a month after the Act passed; and no one had any part in that Amendment in the other House except myself and some of those who manage the business of the Government there—the Amendment was made for purely administrative purposes, and when it came back to this House it was printed and circulated, and the House accepted it without the smallest suggestion of anything wrong; and I want to know how public business is to be conducted if hon. Members are to be allowed to say—"It is true I never said anything about it, but I had a very great latent objection," and bring it forward six months afterwards. But that my hon. and learned Friend says is a misconception, and has no reference to the business that actually occurred last Session. That delayed the Bill some time. As soon as the Bill was passed I urged on the making of the Rules. The House must not suppose that I do all the business of the Office of Works myself; there are lawyers and others to be consulted, and all I could say was that I desired that these Rules should be completed as soon as possible. When I got the Rules they had to be submitted to the Ranger in this particular Park and in some others, and there were other arrangements to be made before they could be sealed. As soon as they were sealed, or within a very few days afterwards, they were brought before the House. The hon. and learned Member said that it became a misdemeanour to let the Papers lie in the Office for six days before they were laid on the Table——[Mr. VERNON HARCOURT: I said nothing of the kind.] When the hon. and learned Member comes to have experience of official life, he will find that often sixty days instead of six will be no very great delay—in fact, I take credit for the expedition which was used. In fact, they were presented before they were put in force. The hon. and learned Gentleman, in the course of his speech, appeared to pride himself upon his ignorance on a point with which he ought to be acquainted. That point is that when an Act of Parliament provides that a Minister shall lay certain Papers on the Table of the House, the Minister who lays the Papers on the Table has no further duty to perform, and it is not incumbent upon him to urge on their printing; and I am happy to think that Papers laid upon the Table very often are not printed. I myself, and also other Members, pointed out two or three years ago how desirable it was that no Papers should be printed unless some hon. Member moved that it be so, with a declared intention to bring the subject-matter of them before the House. That rule has been largely acted upon. If any hon. Member wished to have a discussion upon these Papers, then it was his duty to go to the proper authority and get them printed as soon as possible. I did more than I could be expected to do in moving that the Papers be printed by order of the House; but when they were before the House they were entirely out of my hands. A few days afterwards the hon. Member for Warrington (Mr. Rylands) got up in the House and asked me whether the Papers were to be distributed, or rather laid upon the Table of the House; and I then told him that they had been already laid upon the Table, and would soon be printed; although it had not been intended that they should have the Rules before they could be put in force under the Act, so clear was it to my mind, and in the mind of the House, that it was the duty of the Government to put the Rules in force before they could come under the cognisance of this House. That shows that I did not take advantage of the Act as it stood to keep back the Rules, but that I anticipated the time when the Rules should be laid on the Table. The hon. and learned Member (Mr. V. Harcourt) seems to think that I am responsible for his not having now in his hand a copy of the Rules, except what he calls a "privileged copy." But to show how far I was from preventing discussion, immediately after I was asked for the Rules I directed him, and also any other Member of the House who desired it, to be supplied with a copy. A copy was given to the hon. and learned Member himself, and also to the hon. Member for Warrington, and copies would have been given to any other hon. Members who asked for them. Could anything more be done to satisfy the wishes and desires of hon. Members, and to give the fullest opportunity for criticising my acts? The hon. and learned Member says that he has not yet officially got a copy; but does he not know what took place in the House? Does he not know that standing here I stated in the most explicit terms that the Government had thought fit to cancel those Rules, and that in consequence of that step I proposed that those Rules should not be further proceeded with, but that the Order for laying them upon the Table should be discharged? The hon. and learned Member admitted that he knew of this announcement, and does he pretend that he does not know that what I have stated was part of it? If he did not recollect it, really he had only to look at the newspapers of the day or at the ordinary records of this House, where he would have found it fully reported. But, not to deprive my hon. and learned Friend of the opportunity of impugning my conduct as much as he pleased, though the announcement was made on the 25th of July, the Order was not discharged till the 1st of August, and during the whole period that elapsed it was competent to any hon. Member to give Notice of any Question—or of his intention to censure the Rules and their framers—or that the Motion for the discharge of that Order would be resisted, and to raise a debate thereupon. Nothing of the kind was done; with the consent of the House the Order for presenting these Rules and laying them on the Table was discharged, but the Act had been completely complied with by laying them on the Table. The Rules had, therefore, been brought forward in regular course, and were disposed of by the Order of the House. The hon. and learned Gentleman says that something very wicked has been done in reference to these Rules. On the same occasion I announced that the general rule would be put in force by Her Majesty's Government until they could issue the new Rules in substitution of those which had been cancelled; and yet the hon and learned Member said that he was under the impression that the general rule was to remain in force until next Session. Now that is just the reverse of the announcement I made—and which I purposely made—to prevent any misapprehension on the subject. I said distinctly that the general Rule was only to remain in force and was only temporary until the Government issued new Rules in the manner prescribed by Parliament. I went on to explain to the House that those new Rules would not be laid upon the Table during that Session—that they would not be laid on the Table until the beginning of this Session, when the House would have the opportunity of criticising them according to the terms of the Act. The hon. and learned Member now says that I have been guilty of an offence in the course which I have taken. That course, however, was assented to by the House, and no one expressed the least dissent. It appears to me that not only has the law been fulfilled, but that the wishes and inclination of the House have been followed. The two hon. Members (Mr. Harcourt and Mr. Rylands) evidently did not understand, like a great many other people in this respect, what is the nature of the office of the First Commissioner of Works. It is not an office that is involved in the perplexities of remote tradition, like that of a Secretary of State. It is an office created by statute, and I have never, standing here, claimed to possess any more power, or authority, or position than what that statute confers upon me. It would be ridiculous had I pretended to do so. I have again and again endeavoured to explain the position of the office of First Commissioner. It is what was described by the noble Lord my predecessor (Lord John Manners)—that whenever the Government thought fit to interfere the First Commissioner of Works has really no more power than a Treasury clerk. That is the height of his dignity. The truth is that there has been a great deal of confusion because Gentlemen who undertook to enlighten the world did not take the preliminary step of enlightening themselves. The whole power of the Office is by law vested in the Commissioners of Works, and not in the First Commissioner. These Commissioners consist of the First Commissioner and all Her Majesty's principal Secretaries of State. But the Commissioners have in fact no powers in themselves if another power interpose — namely, the Treasury. The Treasury have actually absolute power to control the power of the Commissioners. There is a clause in the Act that if none of these greater Powers took upon themselves any duty or responsibility, then the First Commissioner was at liberty to exercise the office of the Commissioners. If neither the Treasury nor the Secretaries of State who may be said to represent the Government interfered, then the First Commissioner can perform the duties of the office. The moment, however, they interfered, he has nothing more to do than to see the corporate body and the establishment carry out the instructions they have received. It has happened again and again that the First Commissioner has taken a step of which the Government had subsequently disapproved or rescinded. They are quite at liberty to do so. There is nothing in it. The First Commissioner is bound to obey the law. I cannot insist on doing as I please, for the law would not have been passed if it were supposed that the First Commissioner was to do everything without the interposition of the Government. On the contrary, it was presumed that the Government would interpose when necessity required it. The practice has been in accordance with the law. I may remind the House that more than one Secretary of State has used this very power over the Parks in entire supersession of the authority of the First Commissioner. The right hon. Gentleman the Member for Morpeth (Sir George Grey) interposed in this way, and took the matter into his own hands. The right hon. Gentleman the Member for the University of Cambridge (Mr. S. Walpole) interposed in the same way; so had the right hon. Gentleman the Member for the University of Oxford (Mr. Hardy); all in their turn have done the very thing which has now been done, and which the House has a right to have done. Do not let any hon. Member express surprise at this. When this Bill was under consideration of the Committee of this House it was asked—Are you going to give up the Parks to a Ranger, and to the First Commissioner of Works, who is not even a Cabinet Minister? I then pointed out that the House had really a practical guarantee in the whole of the Ministers, because both the Ranger and the First Commissioner were absolutely at their disposal; for they could interpose whenever they pleased, and they could take upon themselves the whole responsibility of any Rules or Regulations either by cancelling them or by upholding them. It is therefore futile to talk of these public rights being given up to a subordinate of the Government or to an irresponsible officer, because the House could always fall back upon the Government in the last resort, and make them responsible for what he had done. Therefore, the moment any intimation is given that the Act of the First Commissioner is to be challenged it becomes the business and duty of the Government to say that they will either stand by his act or take their own course. That has been done again and again. It has been done on this occasion. There is no novelty in it. All I can say is if any Gentleman having to perform the various duties which I am called upon to discharge, with reference to the various departments of the Government and an infinite variety of topics, were to set himself up on an official pedestal and say "I am so perfect in my judgment that if the Government questions it I feel I am no longer fit to hold my office," there would be no one either in or out of this House who could hold my office for a month. I have not the advantage of a Cabinet Minister in having my act considered by the Cabinet, and hearing their views upon it. I act under the statute and independent of the Cabinet until the Cabinet assume the responsibility of acting in my stead. Therefore, all that has been done has been done in strict accordance with the law, and with the understanding of the House when it passed the Bill. I do protest against the claim of any hon. Member of this House to set up his own understanding against the general sense of the House; and still more do I protest against any hon. Member setting up his own individual opinion in language so pretentious as to declare that he is the only wise man in this Assembly, and that all the rest of us are nothing but fools.

Mr. W. E. FORSTER: I think it is due to the House and myself to make one remark with reference to what has fallen from my hon. and learned Friend the Member for Oxford. My hon. and learned Friend has alluded to a conversation upon public matters between him and myself, and therefore I do not complain of his having done so, although I think my hon. and learned Friend ought to have informed me of his intention beforehand. My hon. and learned Friend appears to have put rather a misconstruction upon that conversation. He used the word "deluded." I cannot suppose that the hon. and learned Gentleman meant that I intended to delude him——[Mr. Vernon Harcourt: I never referred to that transaction.] I think, nevertheless, it is due to myself to explain what did really pass between the hon. and learned Gentleman and myself. He is quite correct in saying that he showed me a "privileged copy" of the Rules—that copy which my hon. Friend regards as so precious—and we had some conversation regarding them. Shortly afterwards—I believe before the statement was made by my right hon. Friend (Mr. Ayrton) in the House—I told him that the Rules either were or would be cancelled, but I gave him no information as to what might happen afterwards; for a very good reason—I had not the slightest knowledge of what would happen. Therefore, when he supposes that I gave him any assurance as to the future he was altogether mistaken. My hon. and learned Friend wrote to me in the autumn, and he appeared to think that I had given him such an assurance. I wrote to him in reply stating that I had given him no assurance of the kind; and as there was no answer to that letter, I supposed that my hon. and learned Friend was of the same opinion.

Mr. VERNON HARCOURT: The right hon. Gentleman (Mr. W. E. Forster) is entirely mistaken in what I meant to say. I received an assurance which led me to take a certain course in this House. In consequence of information I received I withdrew the Notice that I intended to give in this House. That is all I said on the subject, and that is all I intended to say. I wrote to my right hon. Friend when I saw that the prosecution was instituted by the Government, to say that I felt extremely uncomfortable in having withdrawn that Notice on the understanding that the Rules were cancelled, because I felt that if I had not withdrawn my Notice, a discussion would have taken place in this House which would have prevented the prosecution. My right hon. Friend wrote back to me stating that I had shown him the Rules, which he had never seen before, and that he had given me the assurance that they would be cancelled, and that he knew no more of the matter. I never intended to represent that I had received from my right hon. Friend any other representation than that the Rules would be cancelled against which my Notice had been directed. With reference to the First Commissioner of Works, the right hon. Gentleman has not read as carefully what I have written on this subject as I have read what he has written. I never stated I was of opinion that the Rules could not be legally carried out in the Recess. I stated the very reverse—I felt after the division on the Motion of the hon. Member for Gloucester (Mr. Monk), that they could be carried out:—but what I did say was that if a different course had been taken these Rules would have been discussed in Parliament. The right hon. Gentleman (Mr. Ayrton) also misunderstood me on another point, when he observed that I had said a misdemeanour had been committed because the Rules had been delayed for six days. Now, what I said was that it was a misdemeanour never to have laid before nor have presented to Parliament these Rules, seeing that Parliament had sat more than six days after they were framed. Parliament sat 15 days after that, and yet the Rules were not laid before the House.

Mr. J. LOWTHER said, that the House had been spending a good deal of time in discussing the merits or demerits of certain Rules regulating the holding of public meetings in the Park; but a still more important question had been entirely overlooked—namely, whether Hyde Park was a proper place for holding meetings at all. The First Commissioner of Works had referred to a discussion which arose in the Select Committee on the Parks Bill, and he would ask the right hon. Gentleman whether he was not correct in saying that the expressed opinion of the majority of that Committee, as well as the very thinly disguised opinions of a considerable section of the minority, were not decidedly opposed to Hyde Park being subjected to the meeting nuisance. No distinct Motion had been brought forward which would admit of the House expressing an opinion on this important point, and he therefore intended on an early day to call attention to the various codes of Rules successively made, re-made, and withdrawn which had reference to the regulation of meetings in the Parks. With regard to the Regulations which the Home Secretary had laid upon the Table to-night, it was his intention to move a Resolution which would afford the House an opportunity of deciding whether the nuisance of public meetings in Hyde Park should or should not be any longer tolerated.

Sir HENRY HOARE said, that in common with many Gentlemen on that side of the House, he had believed the Rules respecting the use of the Parks would not be enforced until they had been submitted to the judgment of Parliament. The First Commissioner of Works had very ably, though not, perhaps, very lucidly, defended himself against the charges brought against him by the hon. Members for Warrington and Oxford. The right hon. Gentleman had been accused of being a first-class misdemeanant; and up to this moment—owing, it might be, to his own want of understanding—he could not think the right hon. Gentleman had cleared himself from this charge—namely, that in the first instance he issued several sets of Rules which did not meet with the approbation of the House, and that eventually a set of Rules was issued without the House having an opportunity of discussing them. However this might be, a little fact was worth a ton of argument. The Government, whether they represented or embodied the power of the Commissioner of Works, had superseded those Rules, thereby taking the second of the two courses marked out for them by his hon. and learned Friend the Member for Oxford, when he said they must either withdraw the First Commissioner of Works or else deprive him of the power of framing the Rules. They had adopted the latter alternative. With regard to economy, his hon. and learned Friend the Member for Oxford had given Notice of his intention to bring forward an abstract Resolution to the effect that greater economy ought to be effected in the public service. Now, he would ask Her Majesty's Government to begin by abolishing this useless office of First Commissioner of Works. The main argument urged in favour of the retention of the office of Lord Privy Seal was that it was useful to have a discreet counsellor who could give advice to the Members of the Government when their hands were full; but such an argument could not be used in defence of the office of First Commissioner of Works.

Mr. GOLDNEY said, he thought the discussion had taken too much of a personal turn, and pointed out that the Act of last year distinctly provided that there should be no occupation of the Park by the public, either by riding, driving, or public meeting, except under Rules and Regulations signed and sealed on the part of the Crown. Consequently, if Rules had not been made by the First Commissioner of Works, the public could not have occupied the Park at all. One clause in the Act expressly said that as soon as the Rules were made and sealed they should be published in the Parks to which they were intended to be applied, in order that the public might have an opportunity of understanding what the Regulations were. To those hon. Members who complained that they were under a misconception as to the meaning of the Act, he would remark that it clearly stated that Rules were to be framed by the First Commissioner. The point, moreover, was distinctly challenged as to whether the Crown or Parliament should have the framing of the Rules, and the words "if Parliament be then sitting" were deliberately introduced.

Mr. AUBERON HERBERT congratulated the Government on having done the reverse at the commencement of this Session of what they did at the commencement of the last. They began last Session by doing a foolish act; they began the present Session by doing a wise one. He was not going into the history of the past; but he should esteem it his duty at a later period of the Session, unless one of his hon. Friends adopted a similar course, to move a Resolution that the power should not be left in the hands of the First Commissioner of altering Rules as regards the right of public meeting in the Parks when Parliament is not sitting. Without bringing any charge of bad faith against the right hon. Gentleman (Mr. Ayrton), he must distinctly say that last year both the Prime Minister and the First Commissioner made use in that House of language to the effect that any fresh Rules which might be made respecting the Parks would be of a temporary and exceptional character. The First Minister said—

> "There might, however, be cases of particular celebrations in the Parks which might present exceptional circumstances, and which might require regulations of a special and temporary character; and therefore it might be necessary to introduce into his hon. Friend's (Mr. Rylands') Amendment some modification in respect to regulations that were strictly exceptional."—[3 *Hansard*, ccix. 928.]

The right hon. Gentleman the First Commissioner of Works also said—

> "It was plain that rules might be required temporarily and for an emergency, and it might also be found necessary to modify existing rules."—[*Ibid.* 1733.]

In conclusion, he expressed a hope that one of the occupants of the Treasury Bench would before the debate closed answer the question as to whether the fine inflicted on Mr. Bailey would be remitted.

An hon. MEMBER said, he had been much pained by hearing the hon. Member for Warrington (Mr. Rylands) bring a distinct charge of breach of faith against his right hon. Friend the First Commissioner of Works. He was bound to say he thought his right hon. Friend had entirely cleared himself of that charge. Not only had his right hon. Friend cleared himself in character, but, judging from what fell from the hon. and learned Member for Oxford, he did not think it was ever intended to make the charge in the sense in which he understood it. A great many communications of a private and confidential character must necessarily pass between Ministers and Members of the House of Commons, and it would be a great disadvantage and misfortune if actual imputations of bad faith were to be made on either side. From the explanations given to-night it was clear that everything was done in public and in the face of the House, and that whatever misunderstanding there was, it arose as to the construction of what occurred in public. No doubt could now exist in any one's mind that there had been any breach of faith on the part of the right hon. Gentleman.

MR. BRUCE said, in answer to the question which had been put to him, whether it was the intention of the Government to remit the fine which had been imposed upon one of the defendants for having broken the Rules of the Park, that if the offence had been committed in honest ignorance on the part of the defendant, or in the honest belief that the Rules had been illegally promulgated, he was sure the Government would have felt the strongest desire to act with compassion. But it must be remembered that these meetings were held in open and ostentatious defiance of the law and of those who administer it, and there was no concealment of the fact that those who attended them did so for the purpose of vindicating their right, whatever the Rules might be. Under these circumstances, he did not think it right that the fine imposed by the magistrate should be remitted. At the same time, with respect to the case carried before the Court of Queen's Bench, they had thought it right to recommend a remission of the costs incurred by the Government, and which were payable by the defendant.

MR. MILLER wished to ask, whether the Rules which were cancelled, or were to be cancelled, applied to the Park of Holyrood, because the restrictions rendered public meetings in that Park entirely out of the question, and that had created great dissatisfaction in Edinburgh?

MR. BRUCE said, the alterations made affected the Rules relating to all Parks in which meetings might be held. The Rules would be laid on the Table of the House, and then the hon. Member would have an opportunity of seeing them. He believed that they made full provision for a reasonable and proper right of meeting in the Parks.

Motion *agreed to.*

RAILWAY AND CANAL TRAFFIC BILL.

LEAVE. FIRST READING.

MR. CHICHESTER FORTESCUE, in rising to move for leave to bring in a Bill to make better provision for carrying into effect "The Railway and Canal Traffic Act, 1854," and for other purposes connected therewith, said, the Bill was founded upon the Report of the Joint Committee of both Houses appointed last year to consider the various Railway Amalgamation Bills then before Parliament. The circumstances that led to its appointment illustrated the saying that "history repeats itself." In 1853 proposals were made for amalgamation which alarmed the country on account of their magnitude, and the fear of the monopoly which might result from them. A Committee was moved for and obtained by the then President of the Board of Trade, the right hon. Member for Oxfordshire (Mr. Henley). A change of Government occurred; but the inquiry was carried on under the presidency of the present Secretary of State for War (Mr. Cardwell). Since then things in the railway world had pursued their course, very much unaffected by the proceedings of that Committee. Parliament had granted a number of lines, many of them competing lines; these lines had competed for a certain time; they had then combined, and, in many instances, they had sought to be amalgamated; and amalgamations which were condemned beforehand by the Committee of 1853 had been, nevertheless, since sanctioned by Parliamentary Committees and by Parliament itself. Great alarm was again excited last year in consequence of other important Railway Amalgamation Bills that came before Parliament, especially the proposed amalgamation of the Lancashire and Yorkshire Railway Company with the London and North-Western Railway Company; and the result was that he felt it his duty, on the part of the Government, to take a step that would have the effect of hanging up the Amalgamation Bills until Parliament should have further inquired into the matter. He obtained the appointment of a Committee consisting of Members of both Houses, which last year inquired into the whole subject of railway amalgamation. The members of that Committee were chosen for their knowledge of the subject and their practical experience, so that their Report was calculated to carry great weight with both Houses. It was now his duty, as Chairman of that Committee, to lay before the House a Bill in conformity with the recommendations of the Committee, just as the present Secretary of State for War proposed, in conformity with the recommendations of the Commons' Committee of 1854, the Bill now well known as the Railway and Canal Traffic Act. The present Bill did not differ in principle from that Act; but he hoped it would be an improvement upon the Act, and that, as the result of further inquiry and larger experience, the Act would be rendered more effective for the purpose of attaining the object which Parliament had in view—an improvement both in respect of the provisions of the Act itself and of the machinery for carrying them out. A few figures showing the position of the railway world now, compared with what it was in 1854, would be interesting. The present Secretary of State for War then spoke of the magnitude of the subject; and, if great then, it was still greater now. In 1854 there were 7,686 miles of railway open, compared with 15,537 miles on the 31st of December, 1870. In 1854, the amount of capital raised was £264,000,000; and at the end of 1870 it was £530,000,000. In 1854 the annual value of the traffic was £16,700,000; in 1870 it was £43,000,000; and now it was probably £50,000,000. Such being the magnitude of the question the Committee of last year had to deal with, they proceeded to examine the whole history of railway amalgamation; they took both time and care in considering the subject; they examined a number of witnesses, who gave very valuable information; and then they gave Parliament the best account they could of the past, and the best advice they could in relation to the future. Many of the conclusions the Committee came to were, indeed, of a negative character. In this most difficult matter they found it much easier to say what, in their opinion, Parliament could not do than what it could do, and that he believed was not any fault of theirs, but it arose out of the necessity of the case. They reported that, in spite of the objections and protests of high Parliamentary authorities, amalgamation had gone on uninterruptedly down to the present day, and that the amalgamations effected had not produced the evils which had been anticipated; and, he was bound to say, they came to the belief that, in many cases, amalgamation had conferred on the public much more benefit than disadvantage. They saw little prospect of distinguishing between amalgamations which might be allowable and beneficial and amalgamations which ought to be prevented on account of the probability of their becoming injurious to the public interest. They found, indeed, that, whether amalgamation was effected by Parliamentary authority or not, combinations between railways destructive of competition went on to an extent very little short of amalgamation itself. They came to the conclusion that the result of all this process was that direct competition with respect to rates and fares had very nearly come to an end; but that there still was a valuable competition in point of route, in point of accommodation, in point of facilities, in point of all those advantages which result from having two or more parties to deal with on the part of the public instead of one. They were unable to advise Parliament to prohibit railway amalgamations. They were not able to lay down for the guidance of Parliament a rule on the subject. They were not able to make a railway map of the country with a view of saying that such and such amalgamation ought to be sanctioned and such and such ought to be refused. That was a task which they made up their minds was impossible. They came to the conclusion that each amalgamation proposed to Parliament must, however imperfect the process, be considered on its own merits, and dealt with by Parliament on the best information and by means of the best machinery they could command; and, with that view, fully aware of the critical and important character of such a proposal as that for the amalgamation of two great railway companies which was made last year and made again this year, and which no doubt was only a specimen of the applications to be made in future, the Committee recommended that Parliament should at least do this—they should provide a specially qualified tribunal for considering each case as it arose and for the purpose of considering all applications for amalgamation that might come before Parliament, so that they might all be dealt with as far as possible on the same basis by a tribunal competent to deal with so grave and critical a question, upon some principle of uniformity and with some prospect of securing the public interests. In compliance with that recommendation it would be his duty on a very early day to move Resolutions with a view, in case the other House of Parliament should concur, which he hoped they would, of remitting to one specially selected Committee all the Amalgamation Bills of this Session. The exact Report of the Committee was that to such a Committee should be referred all Bills for amalgamation of railways, all Bills for the transfer of canals or navigation to railways, and also all Bills to put any public harbour within the control of railway companies. That Resolution he should propose to the House; and his hope and belief was that such a mode of inquiry would secure the effective consideration of every one of these proposals for amalgamation, and, if any one of them were sanctioned, would secure the imposition, on the promoters, of such terms as would provide for the interests of other companies and the public. A large part of the inquiry conducted by the Joint Committee of last year referred to the conditions which, supposing railway amalgamation to be granted by Parliament, ought to be imposed on the companies seeking and obtaining such privileges. Both the Committee and the Government had before them very numerous memorials and applications from the great commercial bodies in the North of England interested in the great amalgamation, which was the principal cause of the constitution of the Committee, asking for a great variety of conditions which those gentlemen thought might very properly be imposed on the companies. On examining these proposals, they found that, to a very great degree, they were unconnected with the immediate question of amalgamation; that they were but partially adopted for the purpose of averting the dangers and monopolies to be produced by amalgamation; and that they were made because the parties interested very naturally thought there was a fair opportunity for Parliament to impose conditions, in the public interest, on companies which came for new privileges. These various suggestions, which hon.

Members would find set out and fully discussed in the Report, were very carefully considered by the Joint Committee. He would only mention two or three of the most important. He was bound to say the Committee, after the most careful examination, decided the greater number of them to be either impracticable or unwise. There was the question whether Parliament should not take the opportunity of these applications to reduce largely the companies' powers of charging their rates and fares to the public. There was the question whether there should not be reserved the power of periodical revision by some public authority. There was the question whether the unlimited power of varying their charges to the public which railway companies now used, certainly with great freedom, and in a manner which led to complaint, and sometimes to suspicion, ought not to be limited; and whether the system of equal mileage rates according to distance should not be imposed upon companies. These were strongly urged before the Committee. They were very carefully considered, and in all these three cases the Committee came to the conclusion unanimously, that they were not conditions which it was either practicable or for the public interest to impose on railway companies. After a lengthened inquiry into these and other similar proposals made for the control and regulation of railways, the Committee came, he thought unanimously, to the belief that the Railway and Canal Traffic Act of 1854, at all events, indicated a line which any attempt to regulate railway traffic should take, and that the objects aimed at by that Act were still those which it was necessary they should endeavour to attain. In fact, the Committee came to the conclusion that the best and only important thing they could recommend Parliament to do was to have an improved version of the Railway and Canal Traffic Act of 1854. The House knew the main objects of that Act. Those objects were to secure uninterrupted facilities for the convenient interchange both of goods and passengers from one system to another, and especially to observe the rule of equal charges under the same circumstances. That necessity was felt by the Committee in 1853, and it was equally felt by the Joint Committee of last year. Complaints were still too frequent that railway traffic was not always allowed to take its proper route; that the shortest and best route was often artificially barred by the conduct of some railway company which had an interest adverse to that of the public; and that the natural course of trade was diverted by the imposition of prohibitory tolls on those links of the canal system which had got into railway hands; tolls being imposed not for the purpose of fair profit on the canal itself, but for the express purpose of diverting traffic from its natural and proper course, and throwing it upon the railway. These evils were keenly felt by the author of the Bill of 1854. The Committee of 1853 made this recommendation with respect to goods and passengers—that every railway company should be compelled to afford full advantage of convenient interchange from one system to another, to give every class of traffic fair facilities, and especially to observe the rule of equal charges under similar circumstances. At the same time, his right hon. Friend told the House, in introducing his Traffic Bill, that what was wanted was, that Parliament should devise means by which the same facilities should be given in travelling from one part of the kingdom to another over several lines as over the same line. For reasons which he would state to the House, the provisions of that Act, however well intended, had accomplished very little. He did not say they had done nothing. In principle they had been most valuable, and so far as securing fair and equal treatment between trader and trader they had had considerable effect, and some excellent decisions had been given in the Courts of Law in that respect. But as to securing the equal treatment of company by company, or the free and uninterrupted forwarding of traffic over all the lines which Parliament had sanctioned, the success of the Act had been most imperfect. In controlling the dealings of company with company the Act had been to a great degree a dead letter. This point was very fully examined into and proved before the Committee of last year. This want of success was, in the opinion of the Committee, due to two causes, one the want of more specific enactments within the Act itself, the other the want of an authority better fitted for putting the Act in motion and carrying its intentions and provisions into effect. Experience since the passing of the Act had very conclusively shown—and the Committee were of that opinion—that a Court of Law was not an authority fitted for giving effect to an Act so peculiar and special as the Railway and Canal Traffic Act. Upon certain points, as he had stated, good and valuable decisions had been obtained; but with respect to a great part of it the Court of Law, to which the carrying out of the Act had been confided, had not been able, or at all events certainly had not succeeded in giving effect to the intentions of Parliament in passing the measure. The difficulty was felt at the time the Act was passed. The framers of the Act did not then propose to leave this question of railway management, at least as regarded equal treatment, purely to the decision of a Court of Law, but endeavoured to meet the difficulties in the way by certain provisions in the Act itself. They proposed that the Court of Law should be enabled to call upon the Board of Trade for assistance in dealing with these special matters, or to employ some expert or engineer competent to advise them. But, after all, it turned out, as many expected, that a Court of Law would be a cumbrous and unfitting body for putting such an Act in force; that, from the very fact of its being a Court of Law, it deterred many from coming to it who would otherwise be most anxious to avail themselves of the powers and protection of the Act; and it was of itself most reluctant to undertake the duties imposed upon it by Parliament. He was not surprised that at that time Parliament should have endeavoured to make use of a Court of Law, for there was then a distinguished Judge — Chief Justice Jervis, of the Common Pleas—who, differing from all his brethren, thought that his own Court could undertake such a task. That, as he had said, was not the view of his brethren, and especially of one great and eminent Judge who protested at the time against the imposition of such duties upon any Court of Law; he meant Lord Campbell. That noble Lord, in his place in the House of Lords, more than once maintained that this was a duty which ought not to be imposed upon a Court of Law. Lord Campbell said—

"That was not a code which the Judges could interpret; it left them altogether to exercise their discretion as to what they might deem reasonable. . . . . The Judges, and himself among them, felt themselves incompetent to decide on these matters. . . . . He confessed he was wholly unacquainted with railway management; he knew not how to determine what was a reasonable fare, what was undue delay, &c. . . . . They should have a lay tribunal for the decision of questions of the nature contemplated by the Bill, and not one composed of the Judges."—[3 *Hansard*, cxxxiii. 1137.]

The prediction of Lord Campbell the Committee of last year found to have been entirely fulfilled, and now, at the end of nearly 19 years, they thought it would be well to take the advice of that noble and learned Lord, and to remove this jurisdiction from the Court of Common Pleas to some other tribunal. With that view the Committee recommended that the administration of the Railway and Canal Traffic Act should be transferred to a new body appointed for this express purpose, to a body which might be called the Railway and Canal Commissioners, consisting of three gentlemen of high standing and character, one at all events to be an eminent lawyer, and one, if it were possible, a man practically conversant with the management of railway traffic. The Bill which he was about to ask leave to introduce would carry out the recommendation of the Committee. It proposed to create such a Commission as he had described, consisting of men of high standing and with ample remuneration—a Commission which, if well constituted, as he ventured to assure the House it should be, would, he believed, command the confidence both of the country and of the railway interest. But in transferring to such a new authority the powers contained in the Railway and Canal Traffic Act the Committee had to consider whether the Act could not, in the public interest, be strengthened in its provisions. The principles of the Act were mainly two—namely, the free forwarding of traffic between railway and railway all over the country, and the fair and equal treatment of traffic and traders by railway companies. The Committee had to consider whether the Act could not be enlarged and enforced. They laboured long and carefully to find means of strengthening the Act in the public interest, and they found, as they believed, a method by which the Act, within its principles, could be greatly improved. Two proposals were made to the Committee, which were largely discussed, with the end in view which he had described. One was a proposal that general compulsory running powers should be given to every railway company over the lines of every other. That was urged very strongly on the Committee by very high railway authorities. The other was a system of general through rates, under due provisions and regulations. The question of running powers was fully sifted, and the conclusion the Committee arrived at was that it would not be wise to enforce general running powers by any general enactment. It was shown that running powers were not, as a rule, necessary; that they were only convenient in some cases; that to enforce them upon unwilling companies would be a violent interference with the management of lines; that it would be most inconvenient, probably dangerous, and certainly impracticable and unworkable, to attempt to enforce them against the will and in spite of the opposition of the company owning the lines. The Committee, therefore, refrained from making any such recommendation in the way of general legislation. At the same time, it was quite evident there were now, and there would be in future, many cases in which running powers to be exercised by one company in case of need over the lines of another might be properly and wisely given; but the Committee desired to leave that to the determination of Railway Committees as a condition to be imposed in Amalgamation Bills, if it should be thought fit, and to be enforced by the Commissioners whom this Bill proposed to set up. The question of through rates and fares was found to be a different one, and the Committee came to the conclusion that something useful and valuable might be done in that direction by general legislation. After the most careful consideration of the subject, they came to the following Resolution:—

> "Second, and only second, to the question of the control of railway charges, is that of the interchange of railway traffic, or, in other words, the question of best utilizing and developing, under the present system of occasionally conflicting companies, the capabilities of a railway. . . . If a company monopolizing a district is to be allowed to arrange or disarrange the traffic as it pleases, to time passenger trains so that they shall not meet at a junction with other passenger trains, to obstruct traffic coming from other lines, and to send traffic by the longest and least convenient route, in order to keep it on its own line, there may be the greatest possible public inconvenience."

And they went on to recommend that, under proper conditions, railway companies should have a right to require and obtain through rates over the lines of their neighbours. The *primâ facie* rule for the determination and apportionment of those rates would, of course, be according to the mileage; but that was a rule which was not capable of being always rigidly observed, and would, in some instances, even work injustice, and therefore the Committee were of opinion that the Commissioners proposed to be created should be invested with ample power to settle that matter between company and company. The Commissioners would take care that no wrong was done to the company required to forward the traffic of another company, the sole object of the provision in the Bill being to secure that the intention of the Railway and Canal Traffic Act should not be frustrated, or that Act made a dead letter, but that the traffic should be forwarded by that route which it would naturally take, and by which it could most conveniently travel. This was intended, if Parliament sanctioned it—as he hoped it would—as a certain amount of interference with railway companies; but he ventured to submit to the House that it was an interference which was amply justified by the facts of the case, and one which, if guarded by proper and careful provisions—which he thought would be found in the Bill when it was in the hands of Members in a day or two—the railway companies themselves would be very unwise to complain of. They were but conditions and facilities which fell very far short of those which railway companies constantly thought they had a right to demand from, and were constantly willing to give to, each other when carrying on their contests in Parliament, and he was of opinion that the public were well entitled to draw their own conclusions from the demands and admissions made by the companies on those occasions. It would, too, be an interference which only had for its object the prevention of the imposition of that kind of charge which upon canals had obtained the suggestive name of "bar tolls;" tolls imposed in order to close a route against traffic, not by a physical but a fiscal obstacle, the object being to direct traffic over a course more profitable to the company. It would be an interference intended to prevent companies from absolutely defeating the intention of Parliament as expressed in the Railway and Canal Traffic Act. Beyond that interference it was not intended to go, and it was a degree of interference which, he believed, would be admitted by many railway authorities themselves to be a fair one. The Committee of last year found such to be the view of some of the best-informed railway witnesses they examined. He had one example before him in the language used by a very eminent railway manager, Mr. Scott, the general manager of the South-Western Railway. In answer to a question of his (Mr. Chichester Fortescue) Mr. Scott said—

> "I have been very forcibly struck with the language of Mr. Cardwell's Act, which I believe to possess already very much of what is really required. Mr. Cardwell's Act, I am inclined to think, has never been fairly tested. . . . It would be necessary to provide that a through rate and fare should be of the nature of the facilities mentioned in the Act."

That was exactly the object which the Committee had in view, and it was that which the Bill was intended to carry out—namely, that under proper supervision the granting of through rates and fares should be of the nature of the facilities required by the Railway and Canal Traffic Act. The result, then, of that part of the Bill would be this—that the Railway and Canal Traffic Act would be enlarged and strengthened—as he contended and as the Committee believed entirely within its scope and principle—by some specific enactments, and that the application and enforcement of the Act would be committed to a new tribunal specially constituted for the purpose, instead of to the Court of Common Pleas. The Committee considered very carefully what amount of duty should be imposed upon this Commission, if constituted, for the benefit of the public; and there was one duty of a very important kind with respect to which there appeared to be a positive unanimity of opinion among the experienced railway witnesses who were examined that it would be of the greatest advantage to allot it to the Commission—that, namely, of exercising the functions of arbitrator under the provisions of the Railway and Canal Acts. The Committee were very much struck by the evidence of various witnesses as to the vexation and delay which attended private arbitrations under the special Railway Acts as now exercised. It was shown that those arbitrations often lingered for months and years, and constantly defeated the very object and purpose for which they were demanded; and, of course, while the railway companies suffered from this cause, the public suffered also. The Committee recommended and the Bill proposed that, whenever in any Railway Act, past, present, or to come, provisions for arbitration, for the purpose of carrying into effect its provisions, were or should be inserted, that arbitration should be carried out by the new Railway and Canal Commissioners. That provision, unless he was greatly mistaken, would give satisfaction to the railway companies and confer much benefit upon the public. The House would therefore see that on the one hand the new body would acquire the powers now nominally exercised by the Court of Common Pleas, and on the other hand the power which was now most inconveniently exercised by private arbitrators. And he might point out that this power would have no inconsiderable bearing upon the consideration of future important Railway Bills, and especially Amalgamation Bills: with respect to the securities which Parliament might require to avert any injurious consequences to the public arising from such monopolies, for where Parliament introduced provisions into Amalgamation Bills in future—conditions which would inevitably lead to arbitration, and which could not be carried out except by arbitration—the companies and the public would have the advantage of resorting to the eminent body to which he had referred, instead of to private arbitrators. There were matters of a minor character which hon. Members would find embodied in the Bill, such as a provision that a transfer of canals to railway companies should not be valid unless with the sanction of the Railway and Canal Commissioners. They would find clauses intended to enforce the due maintenance of canals in the hands of railway companies by their owners; and he need hardly say that the rule as to through fares would apply to canals just as much as to railways. There was also a provision for the transfer, from the Board of Trade to the Commissioners, of powers with respect to railway agreements and other matters of no great consequence, but which, being questions connected with traffic, might well be handed over to that body. He believed he expressed accurately the feelings of the Joint Committee of last year when he said that they did not profess to provide by this Bill a perfect remedy for such evils as those which accompanied the many great advantages which the railway system of Great Britain conferred upon the country. They found great difficulties existing. They foresaw great difficulties in the future. They were not sanguine as to their power, or even the power of Parliament, to provide a solution for all these difficulties. They did not, for instance, profess to find means of keeping competition effectually alive between company and company. Competition in point of price, at all events, they found was almost extinct, and they saw no means of maintaining it; but they did think they saw the means of securing to the public the full and free use of the railways which had been made and which might be made, and that in spite, he was going to say, of whatever combinations and alliances railway company and railway company might make with one another. That was what they aimed at. They had rejected a number of suggestions—some of them plausible—for increased Parliamentary interference and control; but a certain limited amount of Parliamentary control in the direction he had intimated the Committee thought possible and advisable and for the public benefit. He expressed their views and his own in confidently submitting them for the adoption of the House, and he hoped that in this matter the companies would not separate their interests from those of the public.

MR. GILPIN said, he did not intend to oppose the introduction of this Bill, the character of which had been so lucidly explained by his right hon. Friend. On the contrary, he thanked him for undertaking at so early a period of the Session to carry out what, after the Report of the Joint Committee last year, it was his bounden duty to do. With very much of what his right hon. Friend had said he (Mr. Gilpin) cordially agreed; and with reference to the few points on which he differed from him, he would probably have another opportunity of expressing his opinion. He would, however, say on this occasion that it would be necessary for the Legislature to consider how far it was wise—how far it was best for the interests of the public—that Parliament should interfere in the management of what after all was private enterprise, when they took up matters which were generally best managed by the companies themselves in their own interests—how far, in short, they might do mischief where they intended to do good. There was no doubt that a new tribunal was much wanted to deal with those various questions to which his right hon. Friend had alluded. He (Mr. Gilpin) did not express any opinion as to the form of tribunal; but he entirely agreed with the right hon. Gentleman that a competent tribunal should be established for most of the purposes, and with most of the powers, described by him. The powers to be given to this Commission would be a subject of grave discussion, and, perhaps, division of opinion. He concurred with the President of the Board of Trade in thinking that to give to a Commission of this sort directions that every company should have running powers over every other company would be to ensure a succession of accidents compared with which they had nothing in the history of railways. As to the adoption of any systematic rate from one end of the country to the other, that was a question which would require careful consideration. It was perfectly well known that while the cost of one line of great extent might be so much per mile, some of the smaller lines, like the Metropolitan, the Charing Cross, and some portions of the Brighton line, had cost an enormous sum, and that to have the fare anything like the same rate would be obviously unjust. He trusted that the Bill of his right hon. Friend would receive the sanction of the railway world and the public generally.

MR. ASSHETON CROSS congratulated the right hon. Gentleman on his lucid analysis of so ponderous a blue book as that issued by the Joint Committee, and thanked him for having brought this measure forward at the commencement of the Session. It was a subject of great importance, not only to the railway companies, but also to the traders of the country, and it was desirable that it should be dealt with in a satisfactory manner, and with as little delay as possible. He hoped, however, that time would be given to the country to consider the Bill before they came to a decision on the second reading. He wished to ask the right hon. Gentleman whether the Government meant to recommend any course to that House with respect to the Amalgamation Bills which were now before Parliament?

Mr. DODSON reminded the House that the Joint Committee was appointed last Session in consequence of the introduction of Amalgamation Bills of wider scope than any previously sanctioned, and that in their Report, while recommending regulations applicable to railways generally in their relations to each other and the public, they had specially in view the growth and progress of railway amalgamation. Several of those Bills having been reintroduced this Session, he would suggest that this Bill should take precedence of them, or proceed *pari passu* with them. This would remove some objections to the passing of those measures, and would guard against their passage unaccompanied by the antidote in the shape of this Bill which the interests of unamalgamated companies and of the public demanded. The announcement of such a course on the part of the Government might not be without effect in facilitating the passage of the Bill now introduced.

Mr. MONK, on behalf of the canal interest, thanked his right hon. Friend for the Bill, which, he believed, would give great satisfaction. The Joint Committee would, no doubt, take care that the Amalgamation Bills were not passed unless this measure accompanied them.

Colonel BERESFORD said, that he rose chiefly to enter his dissent from the opinion which had been expressed by the hon. Member for Northampton (Mr. Gilpin) against the adoption of the running through system. He believed that under proper supervision the through system could be adopted with safety and certainty, and that it would add greatly to the convenience of the public.

Mr. CHICHESTER FORTESCUE, in reply, agreed that his Bill was a necessary complement to amalgamation schemes. He intended to propose the reference of the latter to a Joint Committee of both Houses, as recommended by last year's Committee. With respect to what had been said by his right hon. Friend behind him (Mr. Dodson), he agreed with his view of the situation, and he (Mr. Fortescue) would take care that one of these proceedings should not outrun the other, and that the Railway Amalgamation Bills should not precede the present measure.

Motion *agreed to*.

Bill to make better provision for carrying into effect "The Railway and Canal Traffic Act, 1854," and for other purposes connected therewith, *ordered* to be brought in by Mr. Chichester Fortescue, Mr. Childers, and Mr. Arthur Peel.

Bill *presented*, and read the first time. [Bill 34.]

PARLIAMENT — BUSINESS OF THE HOUSE—(COMMITTEE OF SUPPLY).

RESOLUTION.

The CHANCELLOR of the EXCHEQUER, in moving—

"That, whenever Notice has been given that Estimates will be moved in Committee of Supply, and the Committee stands as the first Order of the Day upon any day except Thursday and Friday on which Government Orders have precedence, the Speaker shall, when the Order for the Committee has been read, forthwith leave the Chair without putting any question, and the House shall thereupon resolve itself into such Committee, unless on first going into Committee on the Army, Navy, or Civil Service Estimates respectively, an Amendment be moved relating to the division of Estimates proposed to be considered on that day,"

said, that the Order which he was about to move was the Order which was recommended by the Select Committee that sat the year before last. It had the approbation of the right hon. Gentleman the Member for Buckinghamshire, and it was agreed to by the House at the commencement of last Session; and he thought that the working of the arrangement during the Session must have commended it, on the whole, to the approval of the House. It had two objects mainly in view. The one was that hon. Members should know with certainty what the business was for which they were to come down in the evening; and the other was that there should be ample time for the discussion of the Votes in Supply. He thought that both of those objects had been answered, for the number of Votes that were passed in Supply was not much larger on the average at any particular sitting than was usual; and as a much longer time was occupied in the sittings, it showed that the financial business of the country must have been more thoroughly discussed. It had been sometimes represented that the Rule had been introduced for the advantage of the Government. But that was not actually the case—there were very nearly the same number of sittings as usual in Supply, and the real difference, as far as they had at present ascertained, was that the sittings had been longer and the discussion of the Votes more thorough than before. At that there was reason to rejoice; and he hoped the House would see fit to allow the same Order to prevail in the present Session.

Motion made, and Question proposed,

"That, whenever Notice has been given that Estimates will be moved in Committee of Supply, and the Committee stands as the first Order of the Day upon any day except Thursday and Friday on which Government Orders have precedence, the Speaker shall, when the Order for the Committee has been read, forthwith leave the Chair without putting any question, and the House shall thereupon resolve itself into such Committee, unless on first going into Committee on the Army, Navy, or Civil Service Estimates respectively, an Amendment be moved relating to the division of Estimates proposed to be considered on that day."—(*Mr. Chancellor of the Exchequer.*)

SIR HENRY SELWIN-IBBETSON rose to move the Amendment of which he had given Notice; and in doing so begged to assure the House that he had no wish to diminish in any way the facilities for the despatch of Business, and he would not have brought his Motion forward at this time if he could have done so at a later period of the Session with any hope of success. But if he failed to take advantage of this opportunity for bringing forward his proposal when another part of the subject was being dealt with, he would practically be shut out from any chance of raising the question which he desired to raise. He had no doubt that the Resolution passed last Session on the Motion of the Chancellor of the Exchequer had done much to facilitate the passing of Supply; but when the right hon. Gentleman spoke of the passing of Supply as the very core and kernel of the business of the House of Commons, he would beg to remind him that there were other duties equally important it had to discharge in the consideration of measures submitted to them, and other business of great consequence. And if they passed the Resolution now proposed by the Government, and ignored all other business, a hopeless state of confusion would, he contended, be the result, and the House would not be facing properly the difficulty which it had to meet, but would be merely passing, to use the language employed by the Member for Waterford (Mr. Osborne) last year, a stop-gap Resolution. If hon. Members would look back they would find that Lord Palmerston, when he brought the Resolutions of the Committee of 1861, of which he was a Member, before the House, stated that there was one point which should not be lost sight of, and that was the question of the free power of the representatives of the people to bring forward the grievances of the country before going into Committee of Supply. After referring to two functions of the House of Commons, the passing of laws and examining the Estimates and voting the Supplies for the year, he went on to say—

"But this House has another function to discharge, and one highly conducive to the public interests—namely, that of being the mouthpiece of the nation—the organ by which all opinions, all complaints, all notions of grievances, all hopes and expectations, all wishes and suggestions which may arise among the people at large, may be brought to an expression here, may be discussed, examined, answered, rejected or redressed. That," said the noble Lord emphatically, "I hold to be as important a function as either of the other two."—[3 *Hansard*, clxii. 1491.]

The House, fortified by such an opinion, ought, he thought, to hesitate before they sanctioned the doing away with the power of which he was speaking to any material extent;—they should endeavour so to regulate the conduct of Public Business as to facilitate the transaction of the whole of it, instead of only a single portion. The Resolution which was now moved had certainly been recommended by the Committee of 1871, and had been put in practice last Session with success; but it should be remembered that there were many other points dealing with the business of the House, recommended by that Committee with the same object, which had not been put into practice, and which if adopted would in no way necessitate the restriction of what he looked upon as a great constitutional privilege. One of those modes was contained in a Resolution which was before the Committee of

1854, which was passed by the Committee of 1861, and was endorsed not only by the weighty evidence of Lord Eversley, but by that of the late Speaker and of those gentlemen who officiated so ably at the Table of the House. In the Resolution to which he referred it was recommended that when a public Bill had passed through a Select Committee, and had been reported to the House, the Bill, as amended, should be appointed for consideration on a future day, and, unless ordered by the House to be re-committed generally or in respect of some particular clauses, might, after the Report, be ordered to be read a third time. The late Speaker was of opinion that the adoption of such a course would relieve the House of a very difficult part of its business, which though sometimes done extremely well, was often done very carelessly: and Mr. Lefevre, before the Committee of 1854, expressed himself to the effect that he thought it undesirable that a Bill which had passed through a Select Committee upstairs should in all cases be subjected to the ordeal of passing through a Committee of the Whole House. Another point discussed before the Committee of 1871, which had also been discussed by every Committee which had sat to consider this question, was that the House should be divided into Grand Committees, to each of which should be submitted a certain class of business. Were this suggestion adopted, the despatch of Public Business would be greatly facilitated, and the proposal met the approval of all who had had experience in the business of the House. Another suggestion which had been laid before the Committee was that a change in the position of the Orders and Notices of Motion on Tuesdays might be made after a certain day—say the 1st of May—by which private Members who were sufficiently imprudent to introduce Bills on their own responsibility might be enabled to advance their measures. It had further been suggested that after the 1st of July in each Session, when it was clear that there would not be sufficient time for Bills introduced by private Members to be sent to the other House early enough for discussion, and when therefore it was hopeless to persevere with them, Government Orders should have precedence on Tuesdays and Wednesdays. With reference to morning sittings on Tuesdays or Fridays, it was notorious that owing to the want of a proper enthusiasm on the part of the Treasury benches for the legislation of private Members, they resulted in "counts-out" at the evening sittings, a result of which the latter might justly complain. These were all points which the House ought fairly to consider when attempting to deal with the important subject of reforming its method of conducting its business, and it would be a great misfortune were it, acting on the suggestion of the right hon. Gentleman, to confine its attention to the one point put forward by him, and to leave the others out of sight altogether. He asked the House to deal with this question as a whole, and not in patches. Hon. Members were sent to that House more to express the feelings and wishes of their constituents than simply to vote Supplies, and any reform in the conduct of the business of the House should be conducted with fairness, and not with the view of facilitating Supply at the expense of the former duties, as was suggested by the right hon. Gentleman. He was aware that there were hon. Members who were anxious that there should be no step taken in this matter at all, and deprecated any reform which would have for its result the facilitation of business; but the view he (Sir Henry Selwin-Ibbetson) took of the matter was that the work, if possible, should be distributed more equally over the whole of the Session, and not driven off, as was the case last year, to the end of the Session, when the House was compelled to pass such ill-digested measures as called down upon them the well-deserved rebuke which the Lord Chief Justice had uttered a few days ago in commenting upon one of the most important Bills passed last Session. The hon. Baronet concluded by moving his Amendment.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to consider the best means of facilitating the despatch of Public Business in this House, and that the Reports and Evidence of the last three Committees on this subject be referred to it,"—(*Sir Henry Selwin-Ibbetson,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. R. N. FOWLER said, he regarded the question now under discussion as being of the greatest importance. It was now proposed on the part of the Government to repeat the experiment of last year, by which the old constitutional maxim that grievance should precede Supply was violated. That had been the old constitutional rule in former ages, and he saw no reason why it should be deviated from at the present day. Doubtless, he should be told that the business of that House had become more important, and that the work of legislation was vastly heavier now than it used to be, and that therefore it was absolutely necessary that some limit should be placed upon the right of private Members to put Questions to Her Majesty's Ministers on going into Committee of Supply. But, for his own part, he was disposed to doubt whether we did not legislate quite fast enough. The House had heard from a high authority that to pass one or two great measures in a Session was all that the Government could undertake to attempt, and therefore there was no reason why this enormous mass of Bills should be laid before the House Session after Session, only to be withdrawn as it approached its end. It was true that there might be Ministerial questions which were pressing for legislation; but it should be borne in mind that the matters equally pressing for discussion had much increased in number. When the principle was declared that grievance should precede Supply, we did not possess the vast colonial empire we now had; and on the first night of the Session the right hon. Gentleman the Member for Buckinghamshire had told them that foreign questions ought to receive more attention than had latterly been devoted to them. If, then, private Members were to be deprived of the right of putting Questions on going into Committee of Supply, what was to become of the great colonial, foreign, and other questions which were continually cropping up, and upon which the country had a right to know the views of the Ministers, which could be elicited in no other way than by means of Questions on going into Committee of Supply? On one occasion, when he had put a Question to a Member of the Government, the right hon. Gentleman in the Chair had told him that he should put it on the Motion for going into Committee of Supply, in order to afford the Minister an opportunity of answering it at greater length than was convenient at the time of Questions. He referred to that instance with the view of illustrating the position in which private Members would be placed if the Rule proposed by the right hon. Gentleman the Chancellor of the Exchequer were to pass, under which private Members would be deprived of the privilege they now possessed of putting Questions on going into Committee of Supply. He was aware that the reply of the Government would be that private Members would have an opportunity of putting the Questions to which he had referred on Friday evenings on going into Committee; and, further, that Tuesday evenings were devoted to private Members, who might then move Resolutions on any subject they thought fit. There were many questions, however, on which it was not desirable to move Resolutions, but as to which it was desirable to obtain information; and the best opportunity for doing this was on the Motion for going into Committee of Supply. He ventured to remind the House that when this matter was being debated early in last year the Prime Minister stated that the Government were bound to keep a House on Fridays, and that was perfectly true, because the Government would be unable to place Supply on the Paper for Monday nights as the first Order if the House were counted-out on Fridays, and therefore no counts took place on those evenings; but, on the other hand, the Government having no interest in keeping a House on Tuesdays, the House had been counted out five or six successive times on those nights. Thus the right of private Members to bring forward Resolutions on Tuesday nights became a mere shadow, and consequently, if they were to be deprived of their right to put Questions on going into Committee of Supply, a great inroad would be made on their privileges. For the greater part of the Session Tuesday and Friday mornings were in the hands of the Government, and private Members had only the privilege of bringing forward on the Motion for going into Committee of Supply on Friday evenings questions affecting most important interests both at home and abroad. For these reasons, he hoped the House would pause before it adopted the Motion of the Chancellor of the Exchequer.

Mr. DODSON said, he was of the number of those Members who thought that one of the most important duties of the House was not simply to try what number of statutes they could pass each Session, but to discuss a variety of subjects—and amongst the variety of subjects for discussion none could be more important than the Estimates. This was, however, a task from which the House was rather inclined to flinch. He supported the Resolution of the Chancellor of the Exchequer last year, and he was prepared to support it again for the same reason. The reason which he gave last year for supporting it was not that he thought it was a Motion which facilitated the work of the Government—the speech of the Chancellor of the Exchequer that night showed that he also felt that—his reason was that the effect of the adoption of the Motion would be that the House would really know when the Estimates were coming forward, and the Estimates would be more thoroughly discussed. The machinery of the House was clumsy and defective in this respect—that there was an absence of certainty as to what business would come on on any particular occasion. Without limiting debate by a gag law they could not insure that any Order of the Day or any Notice which stood after the first in the Paper would come on at a particular time. He had no disposition to introduce a gag law; but it was a reproach to the House, and rendered its rules useless and absurd if they could not ensure, at any rate, what would be the first Order or Notice to be brought on on any particular day. And they had that night two instances which showed how strongly the evil was felt. The noble Lord the Member for Haddingtonshire (Lord Elcho) asked early in the evening a Question—he (Mr. Dodson) thought with reference to this very Motion—which showed that he was pressed by the inconvenience of the uncertainty as to when it would come on. But they had just had a better illustration of the evil of uncertainty. The Home Secretary had that evening had recourse to a proceeding which he (Mr. Dodson) believed took the House entirely by surprise, and had introduced a debate for which they were not prepared. The proceeding was technically correct; but it was a very inconvenient proceeding, and one which he hoped would not be made a precedent. The hon. Member who had just sat down (Mr. R. N. Fowler) spoke very strongly of the constitutional privilege of bringing forward grievances before Supply, and alluded to ancient practices. Well, our ancestors did, no doubt, assert that principle, and insisted on grievances before Supply; but when our ancestors spoke of grievances, they had genuine grievances against the Crown, and said they would grant no Supply at all until their grievances were redressed. But it was a gross exaggeration of terms for any hon. Member who had a theory to ventilate or a pet project to promote—such, for instance, as a proposal to make a new road across a Park—to insist on the old constitutional principle, in order that when the House was anxious to discuss the Estimates, and there was no question about granting Supply—he might come down and impede the progress of business by the introduction of some totally irrelevant question. In the name of common sense let them adhere to the rule that in the absence of any question of privilege or matter of extraordinary urgency, the question set down first should come on first. The hon. Baronet who had moved the Amendment (Sir Henry Selwin-Ibbetson) made one or two suggestions with regard to facilitating the progress of business in the House, and more especially the business proposed by private Members, and he alluded to the business on Tuesdays. It had always appeared to him (Mr. Dodson) that it would be a great advantage if the business of Wednesdays and the business of Tuesdays were transposed. If Tuesday night were made an Order night for private Members, and Wednesdays were set apart for the discussion of Notices, the Bills introduced by private Members would make more progress, because the time of the sitting on Wednesday was limited, and offered great facilities for talking them out. The hon. Baronet suggested that Bills that had passed through a Select Committee should be ordered to be considered without being passed through a Committee of the Whole House. That was worthy of consideration. It was an ancient practice of this House, as it was still of the House of Lords, not to put a Bill through Committee where not deemed necessary, but to omit that stage. He (Mr. Dodson) was, however, afraid that if the suggestion now made were adopted, they would have a discussion upon the question whether a Bill should be committed to the Whole House or not. The hon. Baronet had moved, as an Amendment to the Motion of the Chancellor of the Exchequer, that a Select Committee should be appointed to consider the despatch of business. He (Mr. Dodson) was not sanguine of any good resulting from that course. At all events, he would suggest this to the hon. Baronet—that he should propose his Motion as a substantive Motion, and not as an Amendment on the Motion of the Chancellor of the Exchequer. The Motion of the Chancellor of the Exchequer was recommended by a Select Committee. It was adopted last year by the House and had been tried. With all due respect to those Gentlemen who differed from him, he thought experience was in its favour, because it had facilitated a full and thorough discussion of the Estimates.

MR. G. BENTINCK said, he was surprised that so high an authority on the constitution of the House as the right hon. Gentleman who had just spoken (Mr. Dodson) had not taken a graver view of the question affecting the privileges of independent Members. He had compared the question of the constitutional source of Parliamentary Government with a question of making a road across a Park. But the question they had to discuss was whether the English House of Commons was to be or not to be an independent body. Was it to be a body called together merely for the purpose of recording the decrees of the Prime Minister, or to give free expression to the feeling of the country? He did not wonder that the Chancellor of the Exchequer had simply brought forward his Motion in a formal manner, because they knew that the Minister who really sought to reduce the House of Commons to the position of recording his dictates without discussion was the right hon. Gentleman at the head of the Government. He was virtually the Mover of this Resolution—he was the real assailant of the rights and privileges of Parliament. The right hon. Gentleman having been formerly a distinguished member of the Tory party had proved himself to be a true convert to modern Liberalism—he could combine in his own mind all the aspirations of the democrat with all the instincts of the despot; while upholding liberty of debate in theory, the right hon. Gentleman in practice would willingly restrict the debates here to a record of his goodwill and pleasure. Last year it was said that there was a conspiracy between the two front benches to restrict the privileges of the House of Commons. But in this instance he thought he could depend upon the vote of the right hon. Gentleman (Mr. Disraeli), who did not, however, at present appear to be taking any very lively interest in the discussion. He was sorry he could not attract the attention of the right hon. Gentleman, who in 1862, when a Motion almost identical with this was brought forward by the senior Member for Brighton (Mr. White), said—

> "If you tamper with, and trench upon, the privileges which the House of Commons has hitherto enjoyed with so much advantage to the nation, you may ultimately find that you have raised throughout the country a spirit of discontent and of just dissatisfaction, which you will have much cause to regret, and much difficulty in allaying. What practical advantage, I ask, do you think can flow from priggish, pedantic, and petty attempts to deal with the Rules of this House?"—[3 *Hansard*, clxv. 157.]

These were wise words, and he only hoped that the right hon. Gentleman would not on this occasion gainsay them or resort to a practice which they had all unfortunately witnessed—that of disappearing behind the Speaker's chair when the time came for a division, and becoming "conspicuous by his absence." A good deal was said about the despatch of business; but it was possible to despatch too much business, and to do business with too much despatch. The Licensing Act was a proof that hasty legislation was not always good legislation. This was what the Judges had said of it recently. Mr. Justice Blackburn said—

> "He should like to hear from the Members of the Legislature whether they understood what they were about when they passed the Act, and why they had not expressed their meaning in language which an ordinary individual at Petty Sessions might be supposed to understand. It was an Act wonderfully calculated to puzzle everybody, and one which operated most ingeniously in that way."

The Lord Chief Justice said "he had never, during his judicial experience, known so confusing and puzzling an Act;" and Mr. Justice Mellor also described it as one of the greatest puzzles ever submitted to him, adding that he had only seen one other Act so badly framed. If this was the result of deliberate legislation, what might be expected from crude and hasty legislation? Yet the professed object of the present Motion was to expedite legislation. He could hardly conceive a more dangerous and ruinous expedient. It was difficult for the united and deliberate wisdom of Parliament to frame an intelligible Act, and hurried legislation must be of the kind described by some of the highest legal authorities of the land, and which the proposition before them, if adopted, would perpetuate. During the last few years measures had been passed through this House, which, if they could now be submitted to the country by the new test of the Ballot, would, in his opinion, be rejected by a large majority; yet the Government now asked the House to precipitate legislation, and to cease to give to measures the care and attention they required. Now, so far from trying to precipitate legislation, the first duty of Parliament was to put every possible obstacle in its way. He said so advisedly, for if a measure bore the test of discussion and argument, it would ultimately be carried, while if it had to be dealt with hurriedly it ought not to be carried. But there were other and stronger grounds for opposing this Motion. The very basis of constitutional government was to be found in the maxim, grievance before Supply. The British Constitution—which the right hon. Member for Birmingham (Mr. Bright) declared he had never seen—was founded on the principle that the Crown had no right to go to Parliament and ask for Supply until every Representative of the people had had an opportunity of stating the grievances of those who had sent him to Parliament. The right hon. Member for Cambridge University (Mr. S. Walpole), speaking on this point in 1862, had enforced the importance of maintaining the unwritten law and usage of the House of Commons, which prescribed that on all occasions when the Government desired to have money voted for the use of the Crown, the unofficial Members should be entitled to put any Question to the Government, to submit any point, to suggest any grievances that might require remedy, and to have such assurances from the Government as would prevent the Session being closed before the points raised had received attention. He appealed to hon. Members below the gangway opposite, for whose talents and consistency he had the highest respect—a compliment he could not pay to every quarter of the House—to remember these words on going to the lobby, and also to ask themselves what reply they would make to their constituents when they inquired what had induced them to barter away the rights and privileges of the Commons. Nothing could justify the sacrifice they were asked to make; nothing could compensate for the right of every Member of the House of Commons to have a full, free, and fair opportunity of expressing the grievances of the Commons before proceeding to vote money to the Crown.

LORD CLAUD HAMILTON always listened with respect to the right hon. Member for Sussex (Mr. Dodson). His thorough knowledge of the usages, and of the past and present practice of the House, entitled his opinion to every consideration: he therefore could not conceive what had induced him, despite his profound knowledge of the history of Parliament, to support the proposal of the Government. The right hon. Gentleman had stated that the necessity for stopping Supply by a statement of grievances was now at an end, as there were no grievances to justify such a proceeding. If the proceedings of the times of Eliot and Holles were not likely to recur, the principle for which they fought was as important as ever; and the right hon. Gentleman would acknowledge that even in their day men could have been found in the Court party ready to declare that the people had no grievances sufficient to justify a denial of Supply. He thought, then, the House of Commons was not justified in surrendering its power or opportunity of independent expression. The Government's chief argument in support of this proposition was their desire to secure Monday for Supply; but it had always been held important to have the Monday entirely free to provide for the discussion of any event of importance which might have occurred since the rising of the House on the Friday night. He could not help thinking the privileges of unofficial Members had already been sufficiently curtailed. When he first entered the House, Members were able to speak for any length of time even on the mere presentation of a petition. That, no doubt, was absurd; but they might go much too far in the other direction, and might unduly limit that free expression of opinion which was of the very essence of their Constitution. It would also be remembered that as they held no sittings on Saturday or Sunday it might often be especially necessary that private Members should have the power of initiating a discussion on any important event that had occurred during the interval between Friday and Monday. The encroachments of the Government must be watched with the greatest jealousy, and this was one which should not be entertained for a moment.

MR. NEWDEGATE: Although I had last Session a doubt whether it would be advisable that the House should institute another inquiry on the subject of Public Business, the experience of the last Session fully convinces me of the necessity for some such inquiry if it were for no other purpose than to satisfy the House that its Business has not been conducted in a manner consistent with its dignity. For what do we find? We find the highest judicial authorities declaring that the measures passed last Session for effecting great constitutional changes in our electoral system, and that our legislation touching social questions, such as the employment of labour, and the regulation of public-houses at the end of the last Session; that all these measures are imperfect and unsatisfactory. I, Sir, am fully conscious of this, that the truth lies deeper; that if in any Assembly like this there is a want of public spirit, a want of independence, and a want of self-respect, such an unfortunate state of things is not to be cured by the appointment of a Committee. It will only be cured by the action of public opinion, or by that Assembly finding itself outraged beyond endurance by some other power. I regret to say, that from the manner in which this subject—that of the Business of the House—has been treated in this House, I fear that the predominance of party feeling has much to do with the mischief, and that if the Leaders of the two parties choose to coalesce on any subject, as matters have stood, the House of Commons is virtually helpless. Now, what has been done? The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) supported the Chancellor of the Exchequer in carrying this Resolution through the Select Committee of 1871, though certainly not by a large majority, for they had a majority of only 1. But this affords an illustration of the effects of a combination on the part of the highest officials past and present in curtailing the privileges of the private Members of the House, and of the House itself. They were last Session successful, and the House of Commons, towards the close of last Session, assented to this curtailment of its privileges. There is now but one additional reason why the House should now hesitate in again yielding its ancient privileges. This reason is, that the proposal is made at an earlier period of the Session than it was last year. If the House of Commons no longer values its privileges, no longer feels competent to use them as its predecessors have done, it is time that the House should abandon its privileges. But I agree with the hon. Member for East Sussex (Mr. Dodson), who spoke so ably this evening. I think there are other arrangements, or re-arrangements, beyond the proposal now before the House, which ought to be contemplated, and might be sifted by a Committee. As the hon. Gentleman observed, what an illustration have we had to-night of the want of order in this House! Why, Sir, in our Books the question connected with the Public Parks stands for discussion to-morrow; but through a manifest irregularity committed by the Home Secretary in proceeding without Notice to make a Motion that was not formally on the Books, the Business which stands on the Books of the House for to-morrow has been taken to-day. Who can hope for regularity in the conduct of Business under such circumstances as these? It is understood that there is a certain period at which Notices are to be given. The Clerk at the Table calls for the Notices; and on the very first day of the Session—I have a note of the occurrence here—Minister after Minister rose in his place before the Clerk at the Table called the Notices, and gave their Notices in defiance and in total disregard of the order of the House. After the Petitions, and before the Clerk at the Table called the Notices of Motion, the Prime Minister rose and announced his intention to bring in the Irish University Education Bill; the President of the Board of Trade rose and announced that he would bring in a Bill on Railways and Canals; the Home Secretary rose and announced that he would bring in Bills for the Amendment of the Criminal Law, and would lay upon the Table the Rules relating to the Parks; and the singular fact is this, that he gave written Notice that on Monday he would ask leave to introduce a Bill to amend the Act for the Prevention of Crime, but gave no written Notice that he would also lay upon the Table the Rules to be substituted for those which now regulate the Parks. The Home Secretary entered his Notice with respect to the criminal law on the Books; but he entered no Notice, which appears on the Books or Paper, of his intention to bring the subject of those Rules under the Notice of the House to-day, and yet he rose in his place to-day to open a question which stands in our Books on the Notice of another Member for discussion to-morrow. Sir, if right hon. Gentlemen the official Members of this House, treat the Rules of the House with such total disregard, then, indeed, it is impossible that the order of our proceedings should command respect, and it is not surprising that our legislation is confused. From the manner in which this subject of its Public Business is treated by the House, was treated by the House last Session, and is treated by the House now, I fear that many Members on either side of the House have so completely delegated not only their political powers, but their political consciences, that there does not remain independence of feeling and intellect enough in the House to maintain for itself the Rules and privileges which our predecessors have vindicated and asserted for centuries. If there is this weakness; if there is such a tendency to delegate our powers—and what an illustration of the abuse of that principle of delegation we have had in this very Parks Act, which occupied our attention so irregularly at the commencement of the evening; if this House has got into the habit of delegating its functions, first to the leaders of parties and then to subordinate officials, until they become practically the legislators for this country; if this House, after having virtually overruled the independence of the House of Lords, is content thus to delegate its functions and sacrifice its independence by violating and abandoning the Rules by which our predecessors vindicated their independence and raised the intellectual standard and position of this House, we must continue to sink in the estimation of the highest authorities of the law; we must continue to sink in public opinion, until at last the House will have to lament the utter loss of those privileges which its predecessors so successfully used and so earnestly maintained. Meanwhile, there are many questions which the House would do well to have submitted to a Committee. I shall, therefore, certainly vote with the hon. Baronet the Member for West Essex (Sir Henry Selwin-Ibbetson).

Mr. ANDERSON said, that he should be glad, if it could be done, to vote both for the Motion and for the Amendment. He thought that the Resolution of the Chancellor of the Exchequer was a reasonable and necessary one; he also thought that the Business of the House might amply be discussed by a Select Committee; indeed, he was not sure but that such a Committee might well meet every Session, and that its labours and suggestions would be highly advantageous. If, however, the hon. Baronet the Member for Essex did not succeed with his Amendment, he would not be able to get his Committee until late in the Session—if even then. If the Government would consent to the Amendment, or would undertake itself to propose a Committee, he should be contented; if not, he should certainly vote for the Amendment of the hon. Baronet the Member for Essex.

Lord ELCHO said, he was glad to find at least one independent Member on the benches opposite, and also glad to find that he hailed from the same country as himself. He had watched the course of the debate with great surprise. The question was not a party one; indeed it was one which affected those who were supposed to monopolize the legislative ability of the country—namely, the Liberal side of the House — more than it did hon. Gentlemen on the Opposition benches, and yet it was almost exclusively—in fact, with the exception only of the hon. Member for Glasgow (Mr. Anderson)—from the latter part of the House that it was challenged. He did not know whether the Government had expected that the Resolution was going to pass without any resistance, but it appeared to him, from the way in which they had dealt with the question, that they had made up their minds to force it down the throat of the House, as if they knew—to use a phrase which the Prime Minister had once employed in reference to the Chancellor of the Exchequer—the "sort of people they had to deal with," and were acting accordingly. Looking at the question as it was brought before them last year and as it had been brought now, he could see nothing in the conduct of the Government to inspire them with confidence. Earlier in the evening he had asked the Chancellor of the Exchequer a plain and civil question not to bring on a question so important in a House of a few Members. This request was answered very shortly, he would not say uncourteously, by the Chancellor of the Exchequer, and but for the accident of the Amendment of his hon. Friend the Member for West Essex (Sir Henry Selwin-Ibbetson), the Resolution would have been slipped through in a House of about 20 Members. Only that morning he looked at the Votes to see how the question had been treated by the Government last year. The Government announced at the meeting of Parliament that having considered the subject during the Recess, they had determined to move for a Select Committee upon Public Business. That Motion was brought on upon the 8th of February; but the Motion having been opposed by the right hon. Gentleman the Member for Buckinghamshire, was withdrawn. The Government had then no proposals to make; but the Chancellor of the Exchequer that very night placed on the Notice Paper the three Resolutions which he subsequently tried to move. They were put down for Friday, the 23rd; but on the previous night he put down four more Resolutions to be moved, making seven instead of three. When the Resolutions came on for discussion, one only—that relating to Committees of Supply on Monday—was carried in the teeth of a similar Amendment to the present, moved by the hon. Member for West Essex, and then the right hon. Gentleman the Chancellor of the Exchequer "scratched" his six other horses. Was there anything in the course taken by the Government last year on this question to inspire confidence on the part of the House this Session? His own feeling had been so strong on the point that if there had been any hope in the then present state of parties he would have a second time challenged the decision of the House upon this Motion; but he knew that the mechanical majority was such that it was hopeless to appeal to the feeling of independence among hon. Members on this matter. This one Resolution, moreover, was carried by a majority of 32 in a House of 272 Members, and the substantive Resolution by a majority of 40 in a House of 224 Members. Before, however, any great changes were made in the Forms and Orders of the House, they ought to be carried by general assent and agreement, and not by small majorities of this kind. If the precedents were referred to it would be found that any changes of similar importance had always been carried by general assent, and by majorities that showed no doubt as to the wish of the House. In 1861 a change introduced by Lord Palmerston was carried by a majority of 253 in favour of the change to 98 against it. Such changes should not be smuggled through the House when there was hardly anybody present. The House had had some experience of the working of this Resolution, and had there been in that experience anything to make it attractive to the non-official element in the House? For himself, he had found its operation to be so intolerable that he had given notice of his intention to oppose it if it were again brought forward. He had himself been entrusted with a grievance, not relating to an individual, but a class—the officers of the Army. A Resolution had been handed over to him by his gallant Relative (Colonel Anson), who had been prevented by illness from being in his place. From March to July he waited in vain for an opportunity to bring forward this grievance; and it was only at last, at the very close of the Session, that he could find the opportunity he desired. When such cases arose they were usually much prejudiced by delay. Moreover, when they were brought forward at the very end of the Session, the discussions were not reported, very few Members were present, and it might be said that judgment went by default against those who had grievances to complain of. The late Chairman of Ways and Means (Mr. Dodson) had thrown ridicule over the maxim that grievances should precede

Supply, by saying that our ancestors were interested in this old constitutional rule, but that we were not. But where would he draw the line when he defined who were our ancestors? The Select Committees of 1854 and 1861 had both reported strongly in favour of keeping this right of stating grievances in the hands of Members. Sir Erskine May, in his work on the Forms and Proceedings of the House, had fully described this ancient constitutional doctrine, and the practice which had grown up in consequence of allowing every description of Amendment to be moved before going into Committee of Supply. Another voice, no longer heard in that House, was raised before the Committee of 1861. Viscount Ossington, whose present illness every Member of that House must deeply regret, but whose absence did not render his opinion of less weight, being asked with reference to curtailing the expression of opinion on the part of Members, said—"It is not so much restraint that we want as order in the arrangement of Business." That order in the arrangements was wanted, especially on the Treasury bench, his hon. Friend the Member for North Warwickshire (Mr. Newdegate) had abundantly shown. His hon. Friend the late Chairman of Ways and Means had stated, however, that what was really required was a certainty of particular measures coming on. As regards Supply hon. Members had had an opportunity of estimating the value of this certainty, for he happened to be a good deal in the House during the course of the Army Estimates, and he knew from personal observation that there were very few Members in the House when the Estimates were being discussed; nor did he think that number was greatly increased last year by the so-called "certainty" of measures being brought on. The Government were proposing to take from the House of Commons a privilege which its Members had heretofore enjoyed. It was alleged that the progress of Public Business would be thereby facilitated; but if the non-official element in the House found itself in the intolerable position it occupied last year, did the Government think it would succeed in the object aimed at by their proposal? The infallible result would be that private Members would act as they did last year. Take his own case as an example. Finding it was impossible to bring forward his Motion, he discovered a plan of saying in the discussion of the Estimates everything he wanted to say. [Hear!] Yes, but in a different way. He gave Notice that he would move the reduction of the salary of the Secretary of State for War by £2,000 a-year, as that Minister was responsible for everything connected with the Army. On the Votes of the salaries of the Secretary of State, the Financial Secretary, and the Surveyor General, hon. Members might hang any number of pegs and delay the course of Public Business. The ingenuity of independent Members would have recourse to this mode of making their grievances known, and the Government would not facilitate the transaction of Public Business as they hoped to do by taking away the privilege of free speech from the House. The choice of the House lay between the Resolution which the Government hoped to force down the throats of hon. Members, as they did last year by a majority of 32, and the Committee proposed by his hon. Friend the Member for West Essex. That there had been a block of Public Business he fully admitted, but believed it was the result of mismanagement. As the Amendment suggesting a Select Committee had been proposed, he would advise the House to negative the present proposal simply; but, as the question involved was of the highest importance, he trusted that no step would be taken without deliberate inquiry, and that, above all, care would be taken, if a Committee were appointed, to obtain the nomination of a fair Committee. Hon. Members owed it to themselves to see that they were no longer dealt with as they had been. It was no mere official question—the danger was that Members who had been in office, or who hoped to be in office, looked more to the official management of business than to their duty as representatives—and it was the duty of independent Members to see that their privileges were not curtailed. The value of the House of Parliament as a mere legislative machine was as nothing compared with its value as a means of expressing public opinions and public grievances. This it was which had made the House of Commons an example to foreign nations. He hoped that the House would continue to afford a ready means for the free expression of the thought of a free people.

Lord Elcho

MR. CAVENDISH BENTINCK said, that his right hon. Friend the Member for East Sussex (Mr. Dodson) had used the words "common sense;" now he (Mr. C. Bentinck) wished that the Government had not been guided more by common sense in regard to this subject; for had that been the case, the House would never have heard of the Resolution now proposed for its acceptance. The first thing "common sense" would suggest was, whether there was any ground for such a Resolution at all. As a Member of the Committee which investigated this question the year before last, he heard all the arguments then advanced, and listened to certain allegations made by the Chancellor of the Exchequer and other Members of the Government, all of which had been successively contradicted. The Chancellor of the Exchequer had the audacity—if he might use the word—to say that this was not a constitutional question; but this allegation had already been amply refuted by Members sitting on that side of the House. Then his right hon. Friend the Member for East Sussex had said it was not proper that small questions should be raised in the manner which the Resolution would put a stop to. It ought, however, to be remembered that in times gone by independent Members had abundant opportunities of bringing questions before the House. They were at liberty to speak on Petitions, for instance, and they had Thursday to themselves. But the constitutional right of "grievance before Supply" was the only one now left to them, and they must either maintain that, or else become subservient to the Government. The Chancellor of the Exchequer changed his opinions very often, and he hoped he should make him change his opinion on this subject before he left his place to-night—though this would be a task of considerable difficulty, because, as a rule, the right hon. Gentleman only changed his opinions when he changed his bench. It had been stated, in support of this Resolution, that it was absolutely necessary to take away the right of making Motions on going into Committee of Supply, because the Government would not otherwise be able to get through the Business of the Session. Now, on this point he had obtained from the officials of the House statistics as to the time really consumed by unofficial Members of the House, and therefore taken from the Government. The grievance complained of by the Government was in 1870, and the Return he had obtained had reference to that and the preceding year. In the Session of 1869, before the 15th of July, there were only eight nights on general Supply on which Amendments were proposed by unofficial Members. Of these only three nights were occupied by Amendments which had not reference to the division of Estimates under consideration. One of these was moved by his hon. Friend the Member for North Hants (Mr. Sclater-Booth) on the constitution of the Board of the Treasury; the other, which occupied two nights, was brought forward by the junior Member for Brighton (Mr. Fawcett), and related to the case of the Queen against Overend. No one could deny that these were questions of vast public importance which might be properly brought before the House as grievances before Supply. In the Session of 1870 there were only seven nights on which Amendments on general Supply were moved; and only one Amendment was moved which had not reference to the discussion of Estimates afterwards about to be considered—namely, that proposed by his right hon. Friend the Member for Oxfordshire (Mr. Henley), respecting the exclusion of reporters from the House. Therefore, in the last two Sessions only three Motions had been made on general Supply which did not relate to the subsequent division of Estimates, and the time of the Government had been profitably occupied by those questions which were of an urgent nature. As regarded Motions which referred to the actual Estimates on the Paper, it was clear that their discussion before the Speaker left the Chair was a saving and not a loss of time; for under such circumstances Members could only speak once, and a vote could be taken thus directly. If their Resolutions were carried, Members challenging the policy of Estimates on principle would not be shut out, but would be compelled to ask the sense of the House upon a feigned instead of a real issue, a result in his (Mr. C. Bentinck's) opinion greatly detrimental to the dignity of their proceedings, and entirely opposed to common sense. He was sure, therefore, that if "common sense" was allowed to operate on the minds of hon. Members opposite it would induce them to vote against this outrageous and monstrous proposition. It was said that without this Resolution there would not be time for the Business of the Government; but they had the full benefit of it from February of last Session, and yet, instead of taking advantage of it, they took Votes on Account, and occupied time with sensational legislation, instead of bringing on the Estimates. On the 9th of July the head of the Government took the whole time of the House by moving that Government Orders should have precedence; and then the hon. Member for Finsbury (Mr. Torrens) asked hon. Members whether they were going to surrender their independence, and spoke of business being transferred to Downing Street, and of the House becoming merely an instrument to register the decrees of the Government. Several hon. Members were then obliged to abandon their measures for want of time to discuss them, and to those Members he now appealed to think twice before they followed the Government into the lobby in support of this Resolution. Let them remember that the independence of the House was gone unless it had opportunities of expressing its opinion on questions which arose suddenly. In addition to the infringement of their right, he had already pointed out their privileges had been further restricted by the institution of Morning Sittings. Morning Sittings would begin in June, or perhaps at the end of May, and when they began the rights of private Members were lost. Members who were exhausted by sitting from 2 o'clock to 7 o'clock could not attend to Public Business after 9 o'clock at night. In 1862, after Lord Palmerston had carried the Resolution by which Thursdays were transferred to official Members, and by which the Motion for Adjournment was taken away and Supply put down on Friday instead, the senior Member for Brighton (Mr. White), proposed a Resolution identical with this; Lord Palmerston and Sir James Graham opposed it, and the former said—

> "It would not, I think, be fitting that a bare majority should impose restrictions on the conduct of the business of the House, which a large minority might regard as being inconsistent with constitutional principle." — [3 *Hansard*, clxv. 161.]

These words might have some influence on Members on the Ministerial side of

the House; and the main support constitutional and conservative opinion could have in the House was the independence of the House itself, wherefore he believed Members on the Opposition side of the House would be entirely hostile to the principle of this Resolution.

THE CHANCELLOR OF THE EXCHEQUER: Sir, it is with some trepidation I rise to answer the arguments that have been adduced, not so much on account of the intrinsic weight of them as from this reflection—that if the Motion I have submitted were carried out it would have the effect of preventing the hon. Members for Norfolk (Mr. G. Bentinck) and Whitehaven (Mr. C. Bentinck), and the noble Lord the Member for Haddingtonshire (Lord Elcho) addressing the House so frequently as they have been in the habit of doing. When I remember the House is fresh from hearing the speeches of the noble Lord and the hon. Member, I confess I fear it may be carried away by terror lest it should not hear them again, and that hon. Members may go contrary to their honest and sincere convictions rather than run the risk of such a deprivation. I must take the liberty of disregarding a great deal of their speeches, because, to say the truth, it was not relevant to the subject before the House. This Resolution has nothing to do with the legislative power of this House, because, whichever way it is decided, the time alloted to the House for legislation will be precisely the same. The question we have to deal with is whether a certain portion of time shall in future be devoted to hon. Members to make speeches which are to be followed with no immediate result—that is, to state grievances—or whether it shall be given to the consideration of that which, after all, is the original and principal duty of the House of Commons—the careful investigation of the public expenditure. That is the whole question we have to decide. Therefore, I take the liberty of saying that a great deal that has been said on other subjects is absolutely and purely irrelevant. This question may be argued in different ways. It may be argued on authority—as it has been, there being quoted against me Lord Ossington and Sir Erskine May, who are, in truth, the two principal witnesses on whom I rely in asking the House to renew this Motion. But the House is asked to appoint a Committee to investigate this question and any other changes that may be proposed. I am no enemy to Committees of the House for these purposes; but when a Committee has made a strong recommendation, and it has passed through a year's experience without giving rise to cavil, if it is to be put aside pending inquiry by another Committee, such a practice will be singularly inconsistent, because the only use of a Committee is to inspire the House with so much confidence in its recommendations that they may be carried out. If you markedly disregard the strong recommendations of a Committee which have been tried with success, what hope can there be that the recommendations of the proposed Committee will be carried out? This is not like a technical and abstruse subject, which hon. Gentlemen may not like to look into for themselves, and on which they may willingly defer to those who have devoted time and attention to it. The Rules and Orders of the House are matters which press upon us all, and which we all form an opinion upon every day. Therefore it is natural—and I do not say it in a tone of complaint—that when an influential Committee comes to a conclusion on such a subject the House should be apt to disregard the recommendations of the Committee, and to judge the matter for itself. I confess it does appear to me, unless the House will defer to the opinion of the Committee it may appoint, a matter which cannot be found out beforehand, it is absolutely a great waste of time and trouble to appoint one at all. Men of the highest eminence must compose these Committees if they are to have any effect on the House; but if their recommendations come to be invariably set aside, it will be impossible to get gentlemen of eminence to give to these inquiries the time necessary to arrive at a satisfactory result. These are difficulties—I do not say they are conclusive—against referring the matter to a Commitee, but they are well worth the consideration of those who wish to see an improvement carried out in the conduct of our Business. It seems to me, as the House will no doubt ultimately take the matter into its own hands, and without regard to what a Committee may recommend, it is better to make the proposition before the House than to go before a Committee. But be that as it may, that is not the real question before us to-night, because the hon. Baronet the Member for West Essex (Sir Henry Selwin-Ibbetson), as I understand, does not allege that he has anything to say against my Motion, but he proposes to supersede it by a Committee. He is one of those persons who would burn down my house in order to roast his own pig. I cannot help thinking it is a great pity the question of a Committee was introduced at all. The two subjects are quite distinct. As has, indeed, been pointed out by the hon. Member for Glasgow (Mr. Anderson), the one does not exclude the other. Many hon. Gentlemen may be in favour of both. But, having made that remark, I must say I think the best course, with a view to the reform of our Rules and Orders, would be to vote for that which, in this instance, was the recommendation of the Committee, and to consider, as a separate question, the Motion for a Committee when we go into the matter at large. What we proposed to do was, more than anything else, to give certainty to the House as to what should come before it; and that advantage I should say we entirely attained. That was no slight advantage, for what was the state of things which existed previously. Hon. Gentlemen put down a number of Questions, which sometimes remained on the Paper a very long time, because there was no sufficient inducement for them to come down to the House and bring them on. But those whose duty it was to answer the Questions had to attend whenever Supply was on the paper, in order to have the chance of answering them. I have myself been 12 or 15 times in that unenviable position—and let me inform the House that is no slight inconvenience to those whose time is not their own, and who have other important duties to attend to. But it is said that, after all, last Session we did not advance much more rapidly with Supply than before. That is quite true. We took longer time in the discussion of the Estimates, but we discussed them much more satisfactorily. The Votes were looked into much more narrowly, and the House in that respect asserted a duty, by carefully watching and criticising the expenditure, quite as important as hearing the speeches of the hon. and learned Member for Whitehaven. The particulars as to the progress made in discussing the Estimates are rather curious. In 1865 the average number of Votes passed in Supply per night was 11; in 1870, the number was 8; in 1871, the average number was 10; and in 1872 it was 9 only. Did we gain nothing by that? I think we gained a great deal. My own experience satisfies me that the result has been that more attention was paid to the subject. You have to look to the pockets of the people as well as to their liberties, and the grievances of the pocket are, I apprehend, quite as pressing as any other so-called grievances which there is no lack of opportunity for bringing before the House. What I have proposed was recommended by a Committee of great authority. It has the concurrence of the head of the Government, of the leader of the Opposition, and of other gentlemen of the greatest weight and authority. It has been tried without the suggestion that it had failed, and, being moved in the same terms as last year, I trust the House will not go back, but enable us to apply to the finance of the coming year the same scrutiny we applied last year.

Mr. HERMON could not admit that the arrangement last year had been successful. By the arrangement of last year hon. Members were prevented from taking part in criticising the Estimates, because they were uncertain what Votes would come on, in consequence of the Votes not being moved in the order in which they were placed on the paper. The Civil Service Estimates, especially the Superannuation Vote, had passed through the House with scarcely any observation. He was not disposed to offer any factious opposition to the Government, but although he had supported the right hon. Gentleman last year, he could not support him now.

Mr. J. LOWTHER said, he had given Notice of an Amendment to the proposal of the Chancellor of the Exchequer, which he thought the House should dispose of simultaneously—probably the House did not fully perceive the effect of his asking to have the word "first" struck out—but in truth the words as they now stood gave them nothing whatever. His second Amendment related to "Opposed Business," and he should move its omission. He also thought they were entitled at the commencement of the Session to have the opinion of the right hon. Gentleman at the head of the Government on the question that no fresh Opposed Business should be proceeded with after half-past 12 o'clock. On this point a somewhat ominous piece of paper had been put into the hands of nearly every Member; it bore at its head the somewhat misleading title of "the privileges of private Members." It stated that there was a general feeling in the House against this proposal, which it was hoped would be encountered by the most strenuous opposition. If any hon. Gentleman intended to oppose the proposition, it was only right that the House should hear the view taken of it by Her Majesty's Government. Hon. Gentlemen who had charge of a particular measure were apt to think of no other business but their own; but those Gentlemen ought to recollect that other Members were obliged to wait in the House until late hours to watch those measures. The officers of the House also were obliged to wait, and there should be some consideration shown to them. Why should not the House put into operation in its own favour the nine hours movement, of which the hon. Member for Sheffield (Mr. Mundella) was so great an advocate? Some might say that they should adopt "the double-shift," and that they should have another gentleman to share in the duties of presiding over their deliberations, two Chairmen of Committees, two First Commissioners of Works, each with perhaps a different set of Park Rules, and so on. He did not wish to make any particular reference to the late occupant of the Speaker's chair; but he would say that this was not a moment at which they should lightly regard the onerous duties which they imposed on those who served them in this House. Hon. Gentlemen might rest assured that legislation would not be facilitated by carrying it on to extreme hours. A strike would be produced; not a strike against a larger "output" of legislation, but such a strike as had led been for years by the late Mr. Brotherton. It would be found that adherence to unlimited hours would produce a movement in favour of early closing. In these days when so much importance was attached to the operation of a free Press—especially by hon. Members opposite—he begged to point out that it was strangely inconsistent that they should practically be sitting *in camerâ*, and virtually discussing measures with closed doors.

Question put.

The House *divided*:—Ayes 148; Noes 78: Majority 70.

Main Question put, and *agreed to*.

Resolved, That, whenever Notice has been given that Estimates will be moved in Committee of Supply, and the Committee stands as the first Order of the Day upon any day except Thursday and Friday on which Government Orders have precedence, the Speaker shall, when the Order for the Committee has been read, forthwith leave the Chair without putting any question, and the House shall thereupon resolve itself into such Committee, unless on first going into Committee on the Army, Navy, or Civil Service Estimates respectively, an Amendment be moved relating to the division of Estimates proposed to be considered on that day.

MR. J. LOWTHER said, that with reference to his Resolution, "That no fresh Opposed Business be proceeded with after half-past Twelve of the clock ante meridiene," so far as he could gather the Government were disposed to accept the principle of his Motion in the shape of a Sessional Order. He should, therefore, for the present leave the matter in their hands. If, however, he found that they did not, on consideration, take the initiative, he should bring the subject again before the House.

MR. GOLDSMID hoped it would not be understood that hon. Members were bound to accept a proposal which he, for one, believed would tend greatly to lengthen their debates.

MR. GLADSTONE observed, the Motion not having been made, there was now no opportunity of speaking on it. So far as the Government were concerned, they were perfectly willing to consider the subject on that or any other night. At the same time, he thought it very likely that the hon. Member had exercised a wise discretion in postponing the Motion till another night, when the general mind of the House might be directed to it.

SHIPPING SURVEY, &c. BILL.

RESOLUTION. FIRST READING.

Considered in Committee.

(In the Committee.)

MR. PLIMSOLL, in rising to move that the Chairman be directed to move the House, that leave be given to bring in a Bill for the Survey of certain Shipping and to prevent overloading, said, that since he had circulated a book amongst the Members of the House on this subject he had had upwards of 300 letters from as many Members of the House, and of that number 97 had authorized him to put their names on the back of the Bill. That could not be done without great inconvenience, and therefore he had determined to take the first 10 names, and he asked the others to accept that as an explanation.

MR. NORWOOD said, he had no wish to oppose the Motion; but he expressed a hope that hon. Members who had received the book referred to would suspend their judgment on the ground that it was an *ex parte* statement capable of being satisfactorily answered.

Motion *agreed to*.

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to provide for the Survey of certain Shipping and to prevent overloading.

Resolution *reported*: — Bill *ordered* to be brought in by MR. PLIMSOLL, MR. HORSMAN, MR. CHARLES LEWIS, MR. STAVELEY HILL, MR. SAMUDA, MR. CARTER, SIR HENRY SELWIN-IBBETSON, SIR ROBERT TORRENS, MR. EYKYN, and MR. LEEMAN.

Bill *presented*, and read the first time. [Bill 43.]

PUBLIC PETITIONS.

Select Committee *appointed*, "to whom shall be referred all Petitions presented to the House, with the exception of such as relate to Private Bills; and that such Committee do classify and prepare abstracts of the same, in such form and manner as shall appear to them best suited to convey to the House all requisite information respecting their contents, and do report the same from time to time to the House; and that such Reports do in all cases set forth the number of Signatures to each Petition:—And that such Committee have power to direct the printing *in extenso* of such Petitions, or of such parts of Petitions, as shall appear to require it:—And that such Committee have power to report their opinion and observations thereupon to the House:"—MR. CHARLES FORSTER, MR. LOCKE KING, MAJOR GAVIN, LORD ARTHUR RUSSELL, SIR DAVID SALOMONS, MR. OWEN STANLEY, MR. KINNAIRD, MR. M'LAGAN, MR. DENIS O'CONOR, EARL PERCY, MR. DIMSDALE, MR. WILLIAM ORMSBY GORE, MR. REGINALD YORKE, MR. CAVENDISH BENTINCK, and MR. ARTHUR GUEST:—Three to be the quorum.—(*Mr. Charles Forster.*)

KITCHEN AND REFRESHMENT ROOMS (HOUSE OF COMMONS).

Standing Committee *appointed*, "to control the arrangements of the Kitchen and Refreshment Rooms, in the department of the Serjeant at Arms attending this House:" — Colonel FRENCH, Mr. HENRY EDWARDS, Mr. DALGLISH, Mr. ONSLOW, Mr. ADAM, Mr. FITZWILLIAM DICK, Mr. Alderman LAWRENCE, and Mr. GOLDNEY:—Three to be the quorum.

And, on February 11, Mr. ARTHUR GUEST *added.*

PREVENTION OF CRIME BILL.

On Motion of Mr. Secretary BRUCE, Bill to amend the Act for the Prevention of Crime, *ordered* to be brought in by Mr. Secretary BRUCE and Mr. WINTERBOTHAM.

Bill *presented,* and read the first time. [Bill 36.]

JURIES BILL.

On Motion of Mr. ATTORNEY GENERAL, Bill to amend and consolidate the Law relating to Juries, *ordered* to be brought in by Mr. ATTORNEY GENERAL and Mr. SOLICITOR GENERAL.

Bill *presented,* and read the first time. [Bill 35.]

REAL ESTATE SETTLEMENTS BILL.

On Motion of Mr. WILLIAM FOWLER, Bill for the restriction of the length of settlements of Real Estate, *ordered* to be brought in by Mr. WILLIAM FOWLER, Mr. ROBERT BRAND, and Mr. WATKIN WILLIAMS.

Bill *presented,* and read the first time. [Bill 38.]

ADMIRALTY AND WAR OFFICES REBUILDING BILL.

On Motion of Mr. AYRTON, Bill for the acquisition of property for the purpose of erecting thereon new buildings at Whitehall for the Admiralty and War Office, *ordered* to be brought in by Mr. AYRTON, Mr. SHAW LEFEVRE, and Mr. CAMPBELL-BANNERMAN.

Bill *presented,* and read the first time. [Bill 40.]

EPPING FOREST BILL.

On Motion of Mr. AYRTON, Bill to extend the time for the Epping Forest Commissioners to make their final Report, *ordered* to be brought in by Mr. AYRTON and Mr. BAXTER.

Bill *presented,* and read the first time. [Bill 39.]

VICTORIA EMBANKMENT (SOMERSET HOUSE) BILL.

On Motion of Mr. AYRTON, Bill to confirm an Agreement for a Lease by the Commissioners of Her Majesty's Works and Public Buildings to the Governors and Proprietors of King's College, London, of a piece of Land on the Victoria Embankment annexed to Somerset House, and to give the said Commissioners further powers of leasing the said piece of Land, *ordered* to be brought in by Mr. AYRTON and Mr. BAXTER.

Bill *presented,* and read the first time. [Bill 41.]

VEXATIOUS OBJECTIONS (BOROUGH REGISTRATION) BILL.

On Motion of Mr. RATHBONE, Bill to make further provision against frivolous and vexatious Objections before Revising Barristers for Boroughs, *ordered* to be brought in by Mr. RATHBONE, Mr. WHITBREAD, and Mr. MASSEY.

Bill *presented,* and read the first time. [Bill 37.]

INFANTICIDE LAW AMENDMENT BILL.

On Motion of Mr. CHARLEY, Bill to amend the Law relating to Infanticide, *ordered* to be brought in by Mr. CHARLEY, Mr. GILPIN, and Mr. CHARLES LEWIS.

Bill *presented,* and read the first time. [Bill 42.]

MINE DUES BILL.

On Motion of Mr. LOPES, Bill to amend the Law respecting the rating of Mine Dues in England and Wales, *ordered* to be brought in by Mr. LOPES and Mr. GREGORY.

Bill *presented,* and read the first time. [Bill 44.]

House adjourned at a quarter before Twelve o'clock.

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HOUSE OF LORDS,

Tuesday, 11th February, 1873.

MINUTES.]—SELECT COMMITTEE—Office of the Clerk of the Parliaments and Office of the Gentleman Usher of the Black Rod, *appointed* and *nominated.*

PUBLIC BILLS—*First Reading*—Cove Chapel, Tiverton, Marriages Legalization* (11); Regulation of Railways (Prevention of Accidents) * (12).

THE QUEEN'S SPEECH.

HER MAJESTY'S ANSWER TO THE ADDRESS.

THE TREASURER OF THE HOUSEHOLD (Lord POLTIMORE) *reported* Her Majesty's Answer to the Address, as follows:—

MY LORDS,

I HAVE received with much pleasure your loyal and dutiful Address.

IN all your endeavours to promote the welfare of my people you may rely with confidence on my sympathy and co-operation.

THE SAN JUAN AWARD—BOUNDARY LINE.—QUESTION.

THE EARL OF LAUDERDALE, in rising to ask a Question of which he had given Notice, as to what steps had been taken to settle the boundary line in the San Juan Question under the award of the German Emperor, said, his inquiry was a nautical one. He had some knowledge of the channel in respect of which
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the Emperor of Germany had made his Award—though the Haro was the channel, the boundary line was still an unsettled question. He therefore wished to impress on the Government the necessity of having the line itself accurately traced on an authenticated chart, to be signed by Commissioners duly authorized in behalf of each country. Unless this were done, he was fearful of many difficulties arising in future. When he was an officer in Her Majesty's Navy it used to be said that the man who went to sea without a chart knew little of his business. Well, he thought that those who attempted to settle this matter in 1846 went to sea without a chart, or, if they had one, this line was not marked on it. Although the Haro was the widest and deepest of the channels in those waters, its depth was a great drawback to the navigation. There was no anchorage in it, and its course was something like three Z's. The tides, instead of running through the channel, ran across it. For steamers it did very well, but it was not by any means suitable for large sailing vessels such as those which carried timber on those seas. If the Americans chose to fortify San Juan our ships must pass under their guns. The Rosario should have been the channel, and we ought to have got it, seeing that up to 1846 the Columbia river was the clear and distinct boundary. We had given up 63,000 square miles of land, and a country in which there was much gold, to the Americans. What we had given up was value for £20,000,000; while the Americans had never given up anything to us. He must make a slight correction in that last statement, for he believed they had given us up the navigation of the Zucan, a river in the Arctic regions. While we insisted on the Rosario, the Americans insisted on the Haro Channel. Lord Russell proposed as a compromise the Middle Channel, and farther than that we ought never to have gone. We were on good terms with the Indians, while there was war to the knife between them and the Americans. This might lead to squabbles with the Indians coming from our islands. Then quarrels would be likely to arise in consequence of the different tariffs of this country and the United States. The Alabama Claims were only a joke to this matter, so great was its importance, and the sacrifice we had made; but he was of opinion that the Treaty of Washington was a degrading one as regards this country. As for the Americans, the only question with them had been how much money could they get out of us. He begged to ask, Whether any and what measures had been taken to finally settle the boundary line in the San Juan quarter, and whether it was to be marked down on a sea chart and signed by Commissioners appointed for that purpose by both nations? That was the Question he had put on the Paper; but he begged in addition to ask what construction was to be placed on these words of the Treaty of 1846—"Provided always that said channel shall be free for the navigation of both parties?"

EARL GRANVILLE: The noble and gallant Earl has not confined himself to the Question of which he has given Notice. He has gone—as he had a perfect right to do—into many matters more or less connected with this question. He has given us the history of the last 28 years connected with it. I think, as to his observations on the Treaty of 1846, he will recollect that as it was made by a Conservative Government, it is not my business to defend it. As to the hypothetical cases he has put—whether the Americans will regret the Award having been in their favour—it is impossible to give him a definite answer; but I will give him a clear, and, I think, a perfectly satisfactory answer to the Question of which he has given Notice. The noble and gallant Earl expressed much alarm that, this question being decided against us, some points should still be left open to future misconception. I think that alarm reasonable on the part of the noble and gallant Earl. The Treaty of 1846 professed to decide what should be the boundaries between our possessions in North America and the United States. Although it was not in the Treaty, a Commission was appointed for the purpose of drawing the line described by that Treaty. The Commissioners met, and were perfectly agreed as to the line until it reached a certain point on the Georgian Gulf. Then they differed. The American Commissioner contended that it ought to be drawn down the Haro Channel. We contended that it ought to be drawn down the Rosario Channel. Since that time the noble and gallant

Earl knows how impossible it has been, notwithstanding various attempts, to settle the question by arbitration or compromise. As I said the other evening, the compromise proposed by Earl Russell was to take the Middle Channel, which was not known at the time the Treaty of 1846 was made, and was quite a different line from the Rosario Channel, for which we had always contended. Considered as a compromise, this had a great disadvantage of giving us all that we cared to have and taking away from the Americans all they wished for; because all that either party cared for was the Island of San Juan, and the Middle Channel would have given us that. The Commissioners having differed on the point to which I have referred, various negotiations followed, and the question has at last been settled by an Award unfavourable to us. On the 21st of October last the Emperor of Germany made his Award; and we thought it right without loss of time to take measures to carry the Award into effect. In the first place, we gave instructions for the evacuation of that part of San Juan of which we held military occupation, and then we took steps to obviate the difficulty which the noble and gallant Earl has pointed out. Fortunately, Admiral Prevost, our member of the Commission, had never given up his Commission; and we therefore sent at once to the Government of the United States a proposal that the Commission should resume its labours; and we also suggested that, as a complete survey of those waters had been made, it would not be necessary for the Commissioners to meet on the spot. At the same time we desired the Hydrographer of the Navy, with Admiral Prevost, to go over the chart and draw the exact line which they considered to be in conformity with the Award of the Emperor of Germany. They did so. Soon afterwards an answer came from the United States, agreeing to the renewal of the Commission, and also agreeing that the survey was complete, and that it was not necessary to have any further examination on the spot. The Government of the United States sent to this country at the same time a chart, on which was drawn the line according to their view, and I am happy to say that, though not absolutely the same as ours, it is as nearly identical as could be expected. We have sent out Admiral Prevost to the United States, with power, conjointly with Sir Edward Thornton, to sign four maps, two to be retained by each country, and to come to a decision as to the exact line where there was some variation between the lines marked on the charts I have just mentioned. The United States Government have taken the necessary steps with the Senate to authorize what they have done, and I hope that in a very short time indeed this matter will be completely and satisfactorily settled.

OFFICE OF THE CLERK OF THE PARLIAMENTS AND OFFICE OF THE GENTLEMAN USHER OF THE BLACK ROD.

Select Committee on, appointed: The Lords following were named of the Committee:

Ld. Chancellor.
Ld. President.
Ld. Privy Seal.
D. Richmond.
D. Saint Albans.
M. Lansdowne.
M. Salisbury.
M. Bath.
E. Devon.
E. Tankerville.
E. Stanhope.
E. Carnarvon.
E. Malmesbury.
E. Granville,
E. Kimberley.
Ld. Chamberlain.
V. Hawarden.
V. Eversley.
Ld. Steward.
L. Colville of Culross.
L. Redesdale.
L. Colchester.
L. Skelmersdale.
L. Aveland.
L. Cairns.

COVE CHAPEL, TIVERTON, MARRIAGES LEGALIZATION BILL [H.L.]

A Bill "for legalizing certain marriages solemnized in Cove Chapel, in Pitt portion in Tiverton, Devon"—Was *presented* by The Lord Bishop of Exeter; read 1^a. (No. 11.)

REGULATION OF RAILWAYS (PREVENTION OF ACCIDENTS) BILL [H.L.]

A Bill "to amend the law relating to the regulation of Railways"—Was *presented* by The Lord BUCKHURST; read 1^a. (No. 12.)

House adjourned at a quarter before Six o'clock, to Thursday next, a quarter before Five o'clock.

HOUSE OF COMMONS,

Tuesday, 11*th February*, 1873.

MINUTES.] — SELECT COMMITTEE — Printing, *appointed* and *nominated;* Kitchen and Refreshment Rooms (House of Commons), Mr. Arthur Guest *added;* Endowed Schools Act (1869), *appointed.*

PUBLIC BILLS—*Ordered*—Landlord and Tenant*; Sale of Liquors on Sunday (Ireland)*.

Ordered—First Reading—Factory Acts Amendment* [47]; Roads and Bridges (Scotland)* [45]; Capital Punishment Abolition* [46]; Municipal Boroughs Extension* [48]; Innkeepers Liability* [49]; Household Suffrage Counties (Scotland)* [50]; Industrial and Provident Societies* [51].

THE QUEEN'S SPEECH.

HER MAJESTY'S ANSWER TO THE ADDRESS.

THE COMPTROLLER OF THE HOUSEHOLD (Lord OTHO FITZGERALD) *reported* Her Majesty's Answer to the Address, as follows:—

I thank you for your loyal and dutiful Address.

I rely with confidence on your careful consideration of the measures which will be laid before you, and on your earnest desire to promote the welfare of My People.

EDUCATION OF BLIND AND DEAF MUTE CHILDREN.—QUESTION.

MR. WHEELHOUSE asked the Vice President of the Council, Whether, in accordance with the principle of promoting the education of every child in the Kingdom, it be the intention of Her Majesty's Government to introduce any measure during the present Session to afford increased facilities for the Education of Blind and Deaf Mute Children?

MR. W. E. FORSTER: For the reasons which I stated once or twice in debate, I cannot hold out to the hon. Member any hope that such a measure will be brought forward.

MR. WHEELHOUSE: Then, Sir, if I am in Order, I will give notice that I will ask leave to bring in a Bill for that purpose.

GALWAY ELECTION TRIALS, DUBLIN.

QUESTION.

MR. O'CONOR asked the Secretary of State for War, Whether leave of absence to attend the Galway election trials in Dublin had been refused to Captain Nolan, late M.P. for that County; if so, whether he would not consider the advisability of allowing Captain Nolan to be present, the Attorney General for Ireland having declared him responsible for the acts of those now being prosecuted, and his own trial depending on the result of the present trials?

MR. CARDWELL, in reply, said, he was informed that leave would be given to Captain Nolan for the period necessary for attending the trial now proceeding in Dublin. At the same time the leave would be limited to the time necessary for attendance in the case, as Captain Nolan had been much absent from his battery, and His Royal Highness the Commander in Chief deemed his presence there necessary.

THE LANDED ESTATES COURT—THE VACANT JUDGESHIP.—QUESTION.

MR. OSBORNE asked, What course the Government intended to pursue in regard to filling up the vacancy of Judge of the Landed Estates Court in Ireland?

THE MARQUESS OF HARTINGTON, in reply, said, that from inquiries made by the Irish Government as to the business of the Court, it appeared unnecessary to fill up the office of second Judge, and the Attorney General was now considering a Bill which would authorize the Lord Lieutenant to abstain from filling it up, and would provide for the discharge of the duties of the Court in case of the absence or illness of the Judge.

SIR HERVEY BRUCE gave notice that he would repeat the Question put by the hon. Member for Waterford on Thursday. He had had painful experience of the necessity of a second Judge of the Court, and knew that there was universal complaint in Ireland on the subject.

UNION OF BENEFICES BILL.

QUESTION.

MR. CRAWFORD asked the right hon. Member for Cambridge University, Whether he would defer the second reading of this Bill, which stood for Friday, so as to enable persons in the City of London to consider its provisions. He had also to ask him whether the Rules of the House did not necessitate its introduction as a private Bill?

MR. SPENCER WALPOLE said, the Bill was one which had come down from the House of Lords at the end of last Session, after having been carefully considered. His object in putting down the Bill for Friday was not to prevent its consideration by the parties interested, but in order that it might have a better chance of passing than it had last Session. He thought he ought not to defer that stage, but was willing to fix the Committee for a date which would give ample opportunity for opposition or Notice of Amendments. The Act which it proposed to amend was entirely a public Act, and he believed this was properly a public Bill; but if the Speaker, after considering the question, was of a different opinion, he should, of course, defer to his ruling.

Mr. CRAWFORD stated that, subject to any advice he might receive in the meantime, he wished the right hon. Gentleman to understand that a Motion might be made to refer the Bill to the Examiners, to ascertain whether there were any Orders applicable to the measure as a private Bill.

FACTORY ACTS AMENDMENT BILL.

LEAVE. FIRST READING.

Mr. MUNDELLA, in moving for leave to bring in a Bill to amend the Factory Acts, stated that its objects were to reduce the hours of labour for children, young persons, and women; to raise the age of children employed at half-time from eight years to 10; to continue the half-time system from 13 to 14 years of age; and lastly, to abolish the exemption in favour of silk factories, by which children of 12 years of age were now permitted to work 60 hours a week. Anticipating the Report of a Royal Commission on this subject soon after Easter, he should defer the second reading till the first Wednesday after Whitsuntide; and, to prevent misapprehension, he wished to state that he had never contemplated interference with male adults employed in factories.

Motion *agreed to.*

Bill to amend the Factory Acts, *ordered* to be brought in by Mr. Mundella, Mr. Morley, Mr. Shaw, Mr. Philips, Mr. Cobbett, and Mr. Anderson.

Bill *presented,* and read the first time. [Bill 47.]

PARLIAMENT—BUSINESS OF THE HOUSE (TUESDAY SITTINGS).

RESOLUTION.

Lord JOHN MANNERS rose to move, "That the House do meet on Tuesdays at 2 p.m., and rise at 7 p.m." The noble Lord said, he had given Notice last year that he would take an early opportunity of calling attention to that subject. He proposed that alteration in the interest of two classes of persons—first, the private Members; and next, the Officers of the House. In respect to private Members, the present system of Evening Sittings on Tuesdays was found to operate in the following way:—About Whitsuntide, or at whatever time of the Session the Government fixed for holding Morning Sittings on Tuesdays in addition to the Evening Sittings, either the House continued to sit to a late hour of the night, with comparatively few Members present, and great exhaustion was naturally felt towards the end of the Session by those servants and officials of the House who had to attend throughout all these long Sittings; or else, as not unfrequently happened, there was no House made in the evening, or the House was counted out soon after 9 o'clock, whereby private Members were prevented from proceeding with their Motions. The inevitable result was that angry recriminations occurred, the private Members accusing the Government, who had taken all the fresh hours of the House for their own business, of not fulfilling their implied pledge to make and keep a House in the evening; and the Government, perhaps not unfairly, retorting that more official Members than private were in attendance when the House was counted. Last Session the House was counted out no fewer than seven times on Tuesdays, though on two of those occasions the House had sat some hours, and a considerable number of private Members were deprived of the opportunity of bringing forward and discussing the Motions in which they were interested. Three of those "counts-out" occurred after Whitsuntide, immediately on the re-assembling of the House at 9 o'clock after a Morning Sitting. Now, his present Motion would provide an effectual remedy for that grievance. Under it the House would regularly meet at 2 o'clock on Tuesdays and sit till 7. The sitting would be devoted to the Motions of private Members, and if the Government thought the state of business was such as to require an Evening Sitting, that Evening Sitting being then at their disposal they would be responsible for the making of a House, and there would be fewer of those counts-out which had been seen of late years. With regard to the Officers of the House, he was sure every hon. Member felt that the more they could do to shorten the hours of these gentlemen's labours the better it would be for them and for everybody connected with that Assembly. In the Wednesday Sittings they had now a limit exactly analagous to that which he proposed for the Tuesday Sittings; and the result, according to the testimony of all who remembered the former system of Wednesday Evening Sittings, had been greatly to improve the tone and character of their debates as well as of their legislation. He believed that a similar effect would be produced by the change which he now suggested. Moreover, as the House by its Rules could not be counted before 4 o'clock, and as everybody would look to 7 o'clock as the natural termination of the Tuesday Sittings, by the adoption of that Motion a moral and almost absolute security would be given to private Members that the hours nominally assigned to them would be actually at their disposal.

Motion made, and Question proposed, "That the House do meet on Tuesdays at 2 p.m., and rise at 7 p.m."—(*Lord John Manners.*)

MR. CRAWFORD said, he hoped, in the interest of private Members, that the House would not accede to the proposal of the noble Lord. He belonged to a class of private Members who had occupations to pursue in the day. Many hon. Gentlemen were similarly situated, not to mention the professional Members of the House; and they found it very difficult to attend the Day Sittings on Wednesdays. They would be put to great additional inconvenience if the House sat at 2 o'clock on Tuesdays. Again, Tuesday happened to be one of those days on which Committees almost invariably sat; and he need not say it would be most undesirable that hon. Members acting on Committees should be called down suddenly to vote in divisions on questions of the merits of which they had no knowledge. For these reasons he must oppose the Motion of the noble Lord.

SIR HENRY SELWIN-IBBETSON said, that the proposal of the noble Lord, instead of increasing the privileges of private Members, would really curtail them. It was true the noble Lord would give private Members the hours between 2 and 7 o'clock on Tuesdays to discuss their Notices of Motion, but he forgot that he deprived them of the unlimited time on Tuesdays when they met at 4 o'clock and sat on until their business was all disposed of. The proposal only showed how necessary it was to have the whole question of the conduct of business properly considered instead of being dealt with fragmentarily. He was of opinion, he might add, that the question of Morning Sittings and the "counts-out" sometimes consequent upon them, to which the noble Lord had alluded, was one of those questions which might very properly be dealt with by a Committee, who could pronounce an opinion on the expediency of having those sittings on the days of which the nights were at the disposal of the Government, who would have no difficulty in keeping a House for their own purposes. In that way the Government might practically, he believed, secure more time than they had at present; while the business of private Members would not be interfered with. All those points, however, might, he thought, be referred to a Committee, who would deal with the subject not by scraps, but as a whole.

COLONEL BERESFORD asked the Prime Minister, whether Public Business might not be fixed to commence at a quarter instead of half-past 4 for the future?

MR. GLADSTONE said, it might be left with the Government to determine at what time Public Business should commence. It was sometimes suggested by them that it should begin at a certain time; but he should not like to make any suggestion on the subject at present without making full inquiries at the Table of the House, and he doubted whether, taking into account the immense mass of Private Business, the time now set apart for its transaction could at this period of the Session be curtailed. Whenever it could be done he should be ready to act on an intimation to that effect. As to the question raised by the noble Lord (Lord John Manners), the view of the Government was that they should observe the feeling of the House with respect to it and hold themselves prepared to recommend, if it was deemed desirable, a course of action in accordance with that feeling. Very few hon. Members, however, had risen to speak on the question; but he was glad to see how the hon. Baronet the Member for West Essex (Sir Henry Selwin-Ibbetson) and others were turning their attention to the best mode of utilizing the time at the disposal of the House. One thing must, however, be borne in mind, and that was that practically the aggregate of time available for the transaction of Public Business was a fixed quantity, and not an elastic quantity which could be diminished or extended at pleasure. The necessities of the country kept it up to a certain point, while it was kept down to a certain level by the physical and moral necessities of human nature. Questions such as that raised by the noble Lord required, therefore, to be very carefully examined, and he concurred with the hon. Baronet opposite (Sir Henry Selwin-Ibbetson) that unless the proposal was one which immediately commended itself to the general approval of the House the best mode of proceeding would be to deal with the subject as a whole. But while he gave full credit to the noble Lord for the motives by which he was actuated, he did not think his proposal seemed to recommend itself to the general feeling of hon. Members; and under those circumstances he would suggest to him, whether it would not be well to avoid taking any opinion of the House on it that evening, reserving to himself the liberty of bringing it forward, if he thought proper, on a future occasion.

Mr. OSBORNE suggested that an opportunity was now open to the Government of referring the whole question to a Select Committee. There was evidently a feeling against dealing with it by scraps, and he was very much fortified in the vote which he had given on the previous evening by what had just occurred. If, he might add, it was competent for him to do so, he should move, by way of Amendment to the Resolution of the noble Lord, that the whole subject of Parliamentary procedure be referred to a Select Committee.

Mr. SPEAKER: The House last night, on the Amendment of the hon. Baronet the Member for West Essex (Sir Henry Selwin-Ibbetson), refused to entertain the proposal that the mode of conducting the Business of this House should be referred to a Select Committee, and it is therefore out of order to propose now, by another Amendment, that such a course should be taken.

Lord JOHN MANNERS said, his object in bringing the question forward was to elicit the opinion with regard to it of the mass of private Members, and that he gathered from what occurred that there was a general impression that it would be unwise to proceed piecemeal, and that the rules and regulations relating to Public Business had better be dealt with *en masse.* After what had fallen from the Chair, however, he supposed that the opinion of the House could not now be taken on the Amendment suggested by his hon. Friend the Member for Waterford. Under these circumstances, he felt some embarrassment as to the course which he ought to pursue. He should like to test more accurately the feeling of the independent Members of the House with respect to his Resolution.

Sir ROBERT ANSTRUTHER wished, without any feeling of disrespect to the Chair, to doubt whether it was not competent for the hon. Member for Waterford to move his Amendment. On the previous evening the Amendment of the hon. Baronet the Member for West Essex put in opposition to the Motion of the Chancellor of the Exchequer was lost; but he did not understand that those who voted against it thereby declared themselves to be opposed to the appointment of a Committee. So far as he was concerned, he should have been glad to vote for the Amendment as well as for the proposal of the Chancellor of the Exchequer if it were possible; and if the hon. Member for Waterford were now allowed to move his Amendment the discussion and settlement of the question would, in his opinion, be greatly facilitated.

Mr. SPENCER WALPOLE said, that if the noble Lord pressed his Resolution, he had no alternative but to vote against it. The effect of it would be that, throughout the whole Session, the heads of Departments would be taken away from the discharge of their duties in the public offices on Tuesdays, while hon. Members, who had private business to attend to, would find their time considerably interfered with. The Resolution would, therefore, he thought, work very inconveniently in the case of official, as well as of many unofficial Members.

Motion, by leave, *withdrawn.*

ENDOWED SCHOOLS ACT (1869).

MOTION FOR A SELECT COMMITTEE.

MR. W. E. FORSTER, in moving that a Select Committee be appointed "to inquire into the operation of the Endowed Schools Act, 1869," said, he should detain the House but a very few minutes in making this Motion, inasmuch as his proposal followed naturally from the last clause in the Endowed Schools Act of 1869. That Act gave very considerable powers to certain Commissioners and to the Education Department to frame schemes for the management of Endowed Schools; but the last clause of that Act directed that those powers should cease and determine at the end of 1872, unless they were prolonged by the Privy Council for one year; and that in any case they should finally expire at the end of 1873. In the exercise of their discretion the Government had had no hesitation in using the authority thus given to them, and they had extended these powers until the end of 1873. The House, however, before regranting those considerable powers, would naturally expect an account of the manner in which they had been exercised, and it was also desirable that the amendments which experience had shown it to be desirable to introduce into the Act should be laid before them. Under these circumstances, he begged to move for the appointment of a Select Committee who could take evidence as to the past working of the measure, receive the suggestions which the Commissioners were prepared to offer, and make a Report thereon. He should also be glad that there should be an opportunity of explaining before the Committee how much work had been done, and how much remained to be done under the measure. In moving for this Committee he wished to offer two further remarks. In the first place, although the Government wished to avail themselves of the assistance of this Committee, they by no means desired to divest themselves of their present responsibility as to the way in which the work was to be carried out. They would gladly avail themselves of the information that might be elicited by the Committee; their Report would receive their greatest attention and consideration, and they should look upon it as a guide in the course they might adopt; but, at the same time, they should act under a full sense of their own responsibility in the matter. There might be a difference of opinion with reference to the work already performed, and which was about to be performed under the provisions of the Act; but the general opinion was that the reform of the Endowed Schools should proceed, and it would be the duty of the Government, acting under a full sense of their responsibility, to direct how that reform should be conducted. In the second place, he was anxious that the Committee should be in a position to make their Report as speedily as possible in order that the Government might decide this year how the work was to be carried on. He also wished it to be clearly understood that the Government and the Commissioners were anxious that the work they had done should be thoroughly investigated by the Committee. As he should have ample opportunity of expressing his opinions on the subject both before the Committee and on presenting their Report to the House, he should not detain hon. Members further at the present moment. When the Bill was first brought before the House, it contained not only a provision of the necessary machinery for the reform of the Endowed Schools—which were, as he had stated, of a temporary character—but also permanent provisions for the examination of schools and scholars, and for certificates in the case of schools endowed or otherwise; but, owing to the pressure of time and other circumstances, this part of the Bill had been dropped in 1869. Circumstances, however, had now altered, and the Commissioners thought it necessary that the Endowed Schools should attain and be kept up to a right standard, and that those interested in the teaching of private schools should have some means of testing their efficiency. The right hon. Gentleman concluded by moving the appointment of a Select Committee.

MR. LOCKE said, he was anxious to know what proceedings were to be taken with respect to these Commissioners and the schools that they were already dealing with. People were very much dissatisfied with the body of the Commissioners; in fact, they had no confidence in them at all; and therefore, seeing the Government were of opinion that an improvement should be made in regard to their power, and that directions should be given to them by a Committee of this House as to the course which in future they are to pursue, it seemed extremely hard that certain schools should now be submitted to a body which had not the confidence of the House of Commons. He wished to know what would be done between the present time and the Report of the Committee now moved for—because a great deal of injustice might be committed in the interval. It was very hard that those who were in their clutches should be left to their tender mercies.

Mr. GOLDNEY said, that the manner in which the Endowed Schools Act was carried through the House reflected the greatest credit on right hon. Gentlemen opposite, and he did not know of any measure which had gone forth with greater promise, and which had proved more abortive than this Act. The Act was passed in 1869, and out of 3,000 endowments, for which schemes had to be prepared, the Commissioners had only dealt with 24; so that, according to that rate, it would require 200 years to get through the work. If the object of the right hon. Gentleman (Mr. Forster) was not only to continue the present powers of the Commissioners, but also to give them more extended powers, then he (Mr. Goldney) thought the right hon. Gentleman had taken a very unfortunate course; because the Commissioners, instead of attending to those rules which were laid down in the Act, and with regard to which the right hon. Gentleman was so much complimented for his firmness in allowing them to continue in the Bill, had ignored the whole of them, and stated that they were only bound by three sections of the Act which related to religious disability, and that the whole of the machinery of the schemes, the appointment of the governing bodies, and the principles regulating the education and maintenance or not connected with it was entirely in their discretion. He doubted whether it would not be better for Government to bring in a Bill, and leave the House to deal with it. The great principle on which the contest had arisen between existing bodies and the Commissioners was that the Commissioners declined to recognize anything like gratuitous education, which they considered to be on a level with indiscriminate almsgiving. The object of the Act was to free governing bodies of schools from those trusts which hampered them in the carrying on of education, and it provided for the framing of a scheme within six or twelve months, according to the size of the school. The Commissioners could not be said to have gone at all into this matter. In the case of Christ's Hospital the Governors had appointed a committee, consisting of very able gentlemen, and a great deal of trouble had been bestowed upon the preparation of a scheme, which was sent to the Commissioners two and a half years ago. Now the Commissioners had never dealt with it in the slightest degree; the scheme remained unattended to, and it was considered that during these two and a half years the Hospital had been injured to the extent of £25,000. Was this a thing to go on? If the Committee was appointed it should inquire into the operation of the Act, and make its provisions more obligatory upon the Commissioners, so that the intentions of Parliament, and not the mere personal views of the Commissioners, should have effect.

Mr. MELLY thought the speech of the right hon. Gentleman (Mr. Forster) contained conclusive reasons for inquiry. Without that a debate would take place without any adequate power of explanation on the part of the Commissioners, and the House would have nothing but one-sided statements, which might be correct or not, to proceed on. He thought the Government had adopted a wise course in proposing the appointment of this Committee, and he trusted that a Bill would be brought in as soon as possible.

Mr. MIALL said, that no Act of Parliament could have been passed with better intentions or for more patriotic and liberal reasons than the Endowed Schools Act. He had anticipated great things from it in the equalizing of the general machinery of education in this country, but the Act had been spoilt in its administration. The egg was fresh enough and perfectly sound, and had in it the germ of life; but it had been addled, by whose influence it was impossible for that House to determine. It was therefore most wise on the part of the Government to refer the operation of the Act to a Select Committee. He heartily supported the reference, and earnestly hoped that the inquiry would be unrestricted, so far as reason might dictate. His hon. Friend the Member for Huddersfield had given Notice of a Motion as to the propriety of having one of the Commissioners to represent a large body of middle-class people who were now utterly excluded from representation by the constitution of the Endowed Schools Commission. He agreed with his hon. Friend that English Nonconformists, by their numbers and social position, were fairly entitled to such a representation.

MR. WHEELHOUSE said, he hoped that if the Committee were appointed, one thing would not be lost sight of, and that was the necessity of giving the House a better opportunity than had ever been accorded to it of challenging any scheme which the Commission might think of handing over to the Government for the purpose of laying it on the Table of the House. One of their schemes had been laid on the Table at a time when there were only six or seven days during which it could be discussed, and practically nothing could be done upon it. All schemes should be laid on the Table fully 40 days during the sitting of Parliament. He would only add that he did not think it well to take away from the poor of this country the privilege of free education which had hitherto been granted to them in connection with some of these endowments.

MR. HINDE PALMER thought it would be a cause for great regret if the Commission were not renewed in some form or other. He urged that in any future settlement of schemes for charities religious belief should not be any ground for excluding a man from the governing body of the school. It had been a matter of discussion whether a Dissenter could not be placed on the governing body of a school. In the Ilminster Case the Master of the Rolls decided that a Nonconformist was qualified to act on the governing body of the school; but the Lords Justices overruled the decision. It was carried to the House of Lords, and two Law Lords held one way and two the other, and the consequence was that the disqualification of the Nonconformist was confirmed. That question should not be left open to litigation. If the Commission was allowed to expire, the question to which he was adverting would recur to its former position, and could only be settled by litigation. He hoped, therefore, the result of the Committee would be that in some form or other the Commission would be renewed. It had been said that the Commissioners had only disposed of 24 cases up to the time of their Report. Whilst this was true, it was also true they had under consideration, in various stages of progress, between 500 and 600 cases; and it should be borne in mind that these 24 cases, if it had not been for the Commission, would have been 24 Chancery suits before any schemes could have been settled for the schools. Now, one of the great advantages of the Endowed Schools Commission was that it found a Court to supersede the necessity of going to the Court of Chancery, and so far from its being a reproach that they had disposed of no more than 24 cases in four years, it was a matter of praise that they had disposed of so many in a time so much shorter than would have been taken in Lincoln's Inn. The proposed Committee would, to his mind, be a great calamity if it should result in this Act being discontinued. Great objection had been made to the manner in which the Commissioners had worked the Act of Parliament, and he was not at all surprised at this, considering the sphere they had to work in and the nature of their duties. They had to investigate the concerns of various charities which, for a long series of years, had been conducted in a manner which did not give to the public the full advantage that might have been derived from the endowment, and were unaccustomed to any real investigation of their affairs. It was natural enough that there should be remonstrance and dissatisfaction with any Commission that inquired into such matters. The hon. Member for Chippenham (Mr. Goldney) had spoken very strongly against the objection of the Commissioners to purely gratuitous education. But their object was to apply the funds to education, which was a stage above mere elemental education. Gratuitous education to a certain extent pauperized those who received it; whereas the plan of the Commissioners would keep alive a spirit of self-help and desire to rise on the part of the children of this country. The more he looked into the Reports of the Commissioners the more he became convinced that they were actuated by an earnest desire to do what the Act directed them to do, and to make the endowments available in the best possible way for the instruction of the children of the poor.

Mr. GATHORNE HARDY observed, that the subject was about to be referred to a Select Committee, and this should be done in the most unrestricted manner, with the view to inquiries as to what had been done, and recommendations as to the future being fairly entered upon. It seemed to him, therefore, to be most unwise that they should discuss the acts of the present Commissioners, or what the Commissioners of the future were likely to do, on the present occasion. If they did so, they would be sure to have the matter over again, for the most careful Committee could not produce such recommendations as would be acquiesced in by the various Gentlemen who entertained different views in that House; and therefore he hoped that upon a fair and free Committee being given they would be content to wait until that Committee should have reported before they entered upon a discussion on this matter.

Mr. W. E. FORSTER said, that it was his intention to leave the Committee entirely unrestricted as to what had been done or should be done for the future. It was the object of the Government in asking for the Committee that no question relating to the conduct of the Commissioners or of the Education Department should be kept from being fairly brought before the Committee. The hon. Member for Huddersfield (Mr. Leatham) had given Notice of a Motion; but no doubt in his discretion he would think that, as the whole matter would be fully before the Committee, it would be better that he should not bring his Motion on until the Report of the Committee was before the House. He was quite aware that there would be charges made by other persons. There were some Nonconformists who thought that the Commissioners had been too partial to the Church, and some Churchmen who thought that they had been too partial to the Nonconformists; and he believed that there was an influential Committee in London, connected with the Church, appointed to bring forward the decisions which had been given in favour of Nonconformists. He did not, however, think that the present was the proper time to enter into a discussion of the conduct of the Commissioners; though, as he felt that he must to some extent defend them, he would first ask the House to wait until the Report of the Committee was before them before they made up their minds as to the conduct of the Commissioners. He was sure that the House would act unjustly if they withdrew their confidence from the Commissioners before they had seen the Report of the Committee. They would see that it was one thing to bring forward a general measure of reform, and quite another matter to carry out that measure in detail. Even those who had supported a general measure would oppose the application of it in detail in particular cases; and he believed that the Commissioners would be able to show that it was owing to the opposition they had experienced that they had not made greater progress than they had hitherto done. The hon. Member for Chippenham (Mr. Goldney) said that the Commissioners had done but little work; but still the fact was that they had framed 89 schemes which had received the Royal Assent, and there were 55 more now in the Department. They also entered into negotiations with the governors of schools throughout almost the whole country. One of the problems would be how they could obtain greater expedition. Christ's Hospital had been alluded to, and it was supposed to be a matter of wonder that the future management of that institution had not yet been settled; but he thought, on the other hand, that it was rather unfair to complain of the Commissioners, or to express surprise that so very difficult a work had not yet been completed. The opposition that had been made had not increased the power of the Commissioners; however, negotiations were now in progress between the Governors of Christ's Hospital and the Commissioners that might lead to an agreement. The hon. and learned Member for Southwark (Mr. Locke) asked whether the labours of the Commissioners would be suspended during the sitting of the Committee: he (Mr. W. E. Forster) must say that he did not think that it would be right that such should be the case. The Commissioners and the Education Department would of course bear in mind that the Select Committee were sitting; but the hon. Member himself would not wish that a work should be stopped where it was proceeding satisfactorily. [Mr. Locke: Satisfactorily to both sides.] If the Commissioners were to suspend all operations except those which were satisfactory to everybody, that would mean that they must suspend all operations whatever, because every scheme affected some individual interest or other, and if an individual knew that his opposition would stop any further proceedings he would be sure to interpose.

Mr. RAIKES hoped that amended schemes to which opposition was raised would not be laid on the Table of Parliament while the Committee were sitting. It would be unfair to ask the Commissioners to suspend work altogether; but it would not be unfair to ask them to take no further steps in regard to schemes which in their amended form were still disapproved by the parties concerned. There was, for example, the great foundation of Dulwich. It was probable that an amended scheme would shortly be laid before Parliament which had excited the greatest possible opposition. Would it be desirable that the Commissioners should go on with this scheme when a Committee was sitting whose principal object was to condemn in the main the proceedings of the Commission?

Motion *agreed to.*

Select Committee *appointed*, "to inquire into the operation of 'The Endowed Schools Act, 1869.'"—(*Mr. William Edward Forster.*)

And, on February 14, Committee *nominated* as follows:—Mr. William Edward Forster, Mr. Hardy, Dr. Lyon Playfair, Sir Michael Hicks-Beach, Mr. Leatham, Mr. Welby, Mr. Illingworth, Mr. Kennaway, Mr. Trevelyan, Mr. Collins, Mr. Andrew Johnston, Mr. Heygate, Mr. Kay-Shuttleworth, Mr. Powell, Sir Thomas Acland, Mr. John Talbot, and Mr. Hardcastle:—Power to send for persons, papers, and records; Five to be the quorum.

And, on February 17, Sir John Pakington and Mr. Alderman Lawrence *added.*

And, on February 25, Mr. Kennaway *discharged*, Mr. Neville-Grenville *added.*

PRINTING.

Select Committee *appointed*, "to assist Mr. Speaker in all matters which relate to the Printing executed by Order of this House, and for the purpose of selecting and arranging for Printing, Returns and Papers presented in pursuance of Motions made by Members of this House:" — Mr. Bonham-Carter, Sir John Pakington, Mr. Spencer Walpole, Mr. Henley, Mr. Secretary Cardwell, Sir Stafford Northcote, The O'Conor Don, Mr. Hunt, Mr. Stansfeld, Mr. Sclater-Booth, and Mr. Dodson:—Three to be the quorum.

ROADS AND BRIDGES (SCOTLAND) BILL.

On Motion of Sir Robert Anstruther, Bill for the abolition of Tolls and Pontages in Scotland, and to provide for the maintenance of Roads and Bridges in Scotland by assessment, *ordered* to be brought in by Sir Robert Anstruther, Mr. M'Lagan, Mr. Miller, and Mr. Parker.

Bill *presented*, and read the first time. [Bill 45.]

CAPITAL PUNISHMENT ABOLITION BILL.

On Motion of Mr. Charles Gilpin, Bill to abolish Capital Punishment, *ordered* to be brought in by Mr. Charles Gilpin, Mr. Robert Fowler, Mr. Hadfield, and Mr. M'Laren.

Bill *presented*, and read the first time. [Bill 46.]

LANDLORD AND TENANT BILL.

On Motion of Mr. James Howard, Bill for the improvement of the relation between Landlord and Tenant in England, *ordered* to be brought in by Mr. James Howard and Mr. Clare Read.

SALE OF LIQUORS ON SUNDAY (IRELAND) BILL.

On Motion of Sir Dominic Corrigan, Bill to extend to the whole of Sunday the present restrictions on the Sale of Beer and other fermented and distilled Liquors in Ireland, *ordered* to be brought in by Sir Dominic Corrigan, Mr. Pim, Mr. O'Neill, Viscount Crichton, Mr. M'Clure, Mr. William Johnston, Lord Claud Hamilton, and Mr. Dease.

MUNICIPAL BOROUGHS EXTENSION BILL.

On Motion of Mr. Henry Samuelson, Bill to facilitate the Extension of the Limits of Municipal Boroughs, and to make other provisions with reference thereto, *ordered* to be brought in by Mr. Henry Samuelson, Mr. Wykeham Martin, and Mr. Staveley Hill.

Bill *presented*, and read the first time. [Bill 48.]

INNKEEPERS LIABILITY BILL.

On Motion of Mr. Wheelhouse, Bill to amend the Law respecting the liability of Innkeepers, and to prevent certain frauds upon them, *ordered* to be brought in by Mr. Wheelhouse and Mr. Locke.

Bill *presented*, and read the first time. [Bill 49.]

HOUSEHOLD SUFFRAGE COUNTIES (SCOTLAND) BILL.

On Motion of Mr. Trevelyan, Bill to extend the Household Franchise to Counties, and otherwise to amend the Laws relating to the Representation of the People in Scotland, *ordered* to be brought in by Mr. Trevelyan, Sir Robert Anstruther, and Sir David Wedderburn.

Bill *presented*, and read the first time. [Bill 50.]

INDUSTRIAL AND PROVIDENT SOCIETIES BILL.

On Motion of Mr. Thomas Hughes, Bill to amend the Law relating to Industrial and Provident Societies, *ordered* to be brought in by Mr. Thomas Hughes and Mr. Morrison.
Bill *presented,* and read the first time. [Bill 51.]

House adjourned at half after
Six o'clock.

HOUSE OF COMMONS,

Wednesday, 12*th February*, 1873.

MINUTES.] — Select Committee — Standing Orders, *nominated;* Selection, *nominated;* Game Laws, *appointed* and *nominated.*

Public Bills—*Ordered—First Reading*—Education of Blind and Deaf Mute Children * [53]; Metropolis Buildings Act Amendment * [54].

First Reading—Sale of Liquors on Sunday (Ireland) * [52].

Second Reading — Marriage with a Deceased Wife's Sister [15]; Married Women's Property Act (1870) Amendment (No. 2) [24].

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL.

(*Sir Thomas Chambers, Mr. Morley, Mr. Leith.*)

[BILL 15.] SECOND READING.

Order for Second Reading read.

Sir THOMAS CHAMBERS, in moving that the Bill be now read a second time, said, he must express his regret that he should have occasion to trouble the House again in reference to a question which had been so frequently brought under their consideration. The measure had been before the House of Commons during the last 24 years, and during that time no fewer than 66 divisions had been taken at different stages of its progress. Of that number 63 were in its favour, and of the three which went against it one was taken upon a point which did not touch the substance of the Bill, but expressed—and properly expressed—the opinion of the House, that any change to be made in the existing marriage law ought to apply to all parts of the United Kingdom. Had he been a Member of the House at the time that division occurred in all probability he should have voted in the majority, notwithstanding that it had the effect of defeating the measure. The other two divisions went against the Bill, but each time by narrow majorities. The measure had been sent up to the House of Lords no less than six times, and had each time been rejected by that House. Still he was encouraged to persevere with a measure which those who supported it regarded as one of simple justice, and therefore at the earliest possible period of the Session he brought the subject again before the House. It was undoubtedly a question which it was desirable to settle, and that as speedily as possible. Hon. Members below the gangway at the other side of the House had one great advantage in their opposition to the Bill. They could not, it was true, obtain a majority; but owing to the extreme pressure of business, and to the limited time allotted for the legislation of private Members, they had an opportunity by a very conscientious but certainly strong exercise of their power in relation to the forms of the House, of defeating a measure by delay which it was impossible to defeat by the securing of a majority. There was not much that was new to be said on the subject of the Bill—the House and the public were familiar with the arguments in favour of the Bill, and the objections which had been urged against it. The supporters of the Bill did not seek, as had been stated more than once, to make any fundamental change in the marriage law of the kingdom—the fundamental principle of the marriage law was stated in the Statute of Henry VIII., which regulated marriages, and it was this—that all persons might lawfully be married whom God's law allowed to be married. What they desired to do by this Bill was to carry out that principle. There was no mistake in the enactment to which he had referred—there was no mistake in the principle on which it proceeded; the mistake was in a prohibition which was contrary to that principle. The first and chief objection taken to the Bill was what was called the religious objection. He had argued before and must argue again that so far as scholarship and criticism could meet an objection—so far as it was possible to decide a question which lay within the region of opinion — that objection must be treated as having been finally and conclusively disposed of; because, as the result of the most recent investigation, they had on the highest authority—namely, *The Speaker's Commentary* — a decisive expression of opinion that the passage of Scripture on which the controversy turned did not forbid, but, on the contrary, impliedly allowed the marriages in question. It was impossible to urge the religious objection after the unanimous testimony of those who were skilled in the language and antiquities of the Jews—in the face of Petitions in favour of the Bill signed by every Jewish Rabbi in the kingdom, and of the fact that, with the exception of a small fraction of foreign Jews—a mere sect—there was universal assent amongst the Jews on the subject, and that there had been no variation either of interpretation or of practice. Marriage with a deceased wife's sister was not only allowed, but allowed within a shorter period than in the case of marriage with any other person—a fact which showed the manner in which the Jews interpreted the Divine precept, and that it was one of which men might fairly and properly and honourably take advantage. Were the Jews wrong in not only permitting such marriages, but permitting them within a shorter period after the death of the wife than ordinary marriages? If they were, then they could arrrive at no other conclusion than this—that the Divine precept had been misunderstood by the entire nation to whom it had been given. The argument against the Bill must go this length—that the Jews from the beginning misunderstood and misapplied the Divine precept. He (Sir Thomas Chambers), on the contrary, contended that they not only did not misunderstand it, but from the very first understood it and acted on it, and that a mistake was made in far more recent times which it was the business and duty of the House of Commons to rectify. A Bill was introduced into that House in the year 1849, but that was not the first time the question had been discussed or the House had expressed its opinion on the subject; because the mischief they sought to correct arose out of the Act of 1835. When the Bill came down from the House of Lords in that year there was considerable public agitation and discussion on the subject, and the House positively refused at first to make those marriages void in time to come. It was never the intention of Lord Lyndhurst, who prepared the Bill, to produce such a result; and until pressure had been put upon the House of Commons at the end of the Session, and the measure was represented as one which would afford relief to a large number of persons—until a pledge was given that at the earliest possible period the evil would be corrected—the House could not be induced to assent to the measure. But from that year, 1835, down to the present time, in spite of all that had been done to have that pledge redeemed, the law had remained unaltered and unimproved. It was, he thought, absolutely hopeless, with a large number of English and Scotch Protestants and Roman Catholics, Jews, and Christians—with the scholars of the Continent of Europe and of Great Britain—all unanimous on the question, to urge the religious objection any longer—and, indeed, he did not expect to hear it again pressed. And if that objection were not pressed, there was really no other on which the opponents of the Bill could rely. The foundation and principle of the marriage law was to be found in the Divine law—if an objection could be based on the Divine law it must be fatal if it could be established; but if no such objection should be discovered, then he denied the right of any Legislature to impose restrictions upon marriages which could be justified by the Divine precept. Nor did he urge that argument as his own merely. It followed from the declaration in the Act of Henry VIII., to which he had referred. There was to be no other restriction than this—that the marriage was contrary to God's law; and the statute spoke of the immense evils which accrued from forbidding marriages which were not forbidden by the Divine law. The Legislature had no right to impose restrictions upon marriage merely upon the ground of expediency. But it was said that there were social reasons why it would be inexpedient to sanction those marriages. Well, in the first place, all the arguments urged upon that ground were purely conjectural. They all assumed that certain consequences which it was desirable to prevent would follow if those marriages were permitted. But experience showed that all such prophecies were groundless; that the apprehensions expressed were altogether baseless. All the friends of the Bill could do, until the experiment was tried, was to declare their conviction that the predictions in question were entirely without foundation. But the answer did not rest there; for, as he had said, they had experience to point to. In every civilized country in the world, except the United Kingdom and a few of its colonies, those marriages were allowed among Protestants and Roman Catholics, and he asked, What was the mischief which had arisen from such a state of things—what evil had this freedom occasioned anywhere? No trace of it was to be found in history—no mention was made of it in the literature of any country; it was nowhere referred to in the poetry of any nation; and it was but reasonable to assume that it would so appear if the evil which the opponents of the Bill predicted really existed or was likely to arise. Surely, then, if experiment were a fair test of the truth of prediction, the apprehensions expressed were not justified by the fact. The weight of testimony extending over so many centuries was, he submitted, a conclusive answer to the objection. And why, he asked, was England of all countries in the world to be the place where mischief was to flow from the exercise of freedom which in no other country was attended with such a result? Upon this part of the question it was fair to say that the history of England from the Reformation downwards, as far as it regarded the marriage laws, had been a history, not of restrictions imposed, but—with the exception of the Act of 1835—of restrictions removed—and yet what proof was there that the removal of such restrictions had led to licence or to social mischief, to profligacy or to wickedness? Had domestic honour or purity been in the least degree sullied by the removal of those restrictions so as to call for their re-imposition? He believed that no man could stand up in that House and say that such was the case. Those who opposed the removal of this restriction were, in truth, seeking to uphold a new restriction which had been imposed in 1835. ["No, no!"] Lord Campbell said in that House in 1835, previously to the passing of the Act of that year, that all these marriages were *primâ facie* lawful, and could only be set aside by a suit in the Ecclesiastical Courts; and yet who ever had heard previously to the passing of that Bill that the freedom of marriage in this degree had degenerated into licence? During that period no scandal had arisen in consequence of the removal of these restrictions, and it was a misfortune when the law imposed a stigma which society did not endorse. Then what had been the action of Her Majesty's Government in relation to this question? They sanctioned last year the Act legalizing these marriages which had been passed by an Australian Legislature. Would they have done so had they believed that by so doing they would have been sanctioning incestuous and wicked marriages? This was a conclusive proof that, in the opinion of Her Majesty's Government, there was not a tittle of foundation for the argument that these marriages were immoral, or that mischiefs were likely to arise from them. The general stream of public opinion out-of-doors was in favour of the removal of this restriction. It had been said that Scotland was opposed to its removal; but out of the 80 municipal bodies in Scotland 32 were in favour of this Bill, while only one had petitioned against it; and an immense number of Petitions signed by members of all parties and denominations had been presented from that country in its support, showing that the feeling in that part of Her Majesty's dominions was daily increasing that the existing restrictions upon these marriages should be removed. It might be said that it was very easy for an energetic organization to get up Petitions in favour of any proposition; but it was not so easy to induce representative corporations to present such Petitions. But what was the fact? Why, no less than 240 representative corporations had petitioned in favour of the removal of the restriction upon these marriages. In his opinion, that was an overwhelming argument to prove that in the opinion of those corporations, at all events, there was nothing wicked or likely to entail social mischief in these marriages, and that a real grievance did exist under the present law. The Corporation of London had petitioned four times, that of Dublin three times, and that of Edinburgh twice in favour of this Bill; and, further, similar Petitions had been presented over and over again by representative Church bodies in Scotland. The reason the law had not been altered up to the present time was, first, that the House of Lords had several times rejected measures passed by the House of Commons for the removal of the restriction complained of; and, secondly, that Bills had been defeated in that House by a policy of simple delay, and the employment without forbearance of the forms of the House. The majorities in the House of Lords which rejected the Bill had gradually dwindled to four; until on the last occasion—in 1871—by an extraordinary effort on the part of those opposing the Bill, it had been temporarily raised. It was worthy of note that the majority of the English temporal Peers had always been in favour of this measure, and that the Bill had been rejected practically by the Representative Peers of Ireland and Scotland and by the Bench of Bishops. The hon. Member for the University of Cambridge (Mr. Beresford Hope), who had had such personal and bitter political reason to remember this subject, and who was the centre of the opposition to this measure, claimed to represent the opinions of the clergy of the country on this question—and in their name stood in the way of a great social reform. But did he actually represent their opinions by opposing this Bill? When Bishop Blomfield endeavoured some years ago to get up a great demonstration among the metropolitan clergy against the proposal to remove the restriction on these marriages, the great body of the clergy refused to sign it—and, in fact, only one-tenth of that body signed it—and the attempt was abandoned. It was the opinion of those who had looked closely into the question that the great majority of the clergy of this kingdom were in favour of an alteration of the law. That was another strong proof that immorality was not likely to result from the removal of this restriction:—it was, in truth, known that in large populations the perpetuation of this restraint conduced to immorality, which was an existing evil far more serious than any of the conjectural mischiefs prophesied by the opponents of the Bill. Turning to the details of the measure, he conceived that unless it were to have a retrospective effect, saving vested interests, it would be absolutely worthless. Of course, where property or honours had passed into other hands in consequence of the operation of the present law, it was not intended that this Bill should have the effect of disturbing the present possessors—and he might remark that one of the mischiefs of such a mistake as this was that it was afterwards impossible to do complete justice to one without doing injustice to another—but, at the same time, the stigma at present resting upon the issue of these marriages should be removed. As people would never become indifferent to an evil of this kind, the agitation would never be abandoned; but, meanwhile, in every year of delay, wrong to innocent parties was continued. A similar measure had been rejected by the Upper House in New Zealand by a narrow majority; and it could not be doubted that this time next year all our Colonies would have rendered legal these marriages, which would then have received the moral support of the whole world with the exception of ourselves. The consequences which would flow from our law being different from that of our Colonies in this respect would be most unfortunate, and would lead to perilous questions with reference to property and reputation. Pains had been taken to get the highest opinions as to whether the issue of such a marriage, solemnized in one of our colonies where it was legal, would be legitimate in this country, and the opinions of Lord Campbell and Lord Cranworth had differed from those of Lord Wensleydale and Mr. Justice Cresswell on the subject. The only sure way of getting rid of these dangerous questions was to make the law on the subject uniform throughout the whole of the British Empire. He begged to conclude by moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir Thomas Chambers.*)

MR. BERESFORD HOPE: Mr. Speaker—Sir, I do not think that, if the question had been so conclusively settled from the hon. and learned Gentleman's own point of view, as he assumes, that he would have brought forward so long and elaborate an argument. I look at that clock, and it tells me that the question is one which is still under hot debate, and it cannot be settled by positive assertions, whether they are made by the hon. and learned Gentleman or by myself. I shall, for my part, endeavour to limit myself to facts, and abstain from fancy statistics and inferential suppositions as to the number of the clergy, or of laymen, or of Dissenters who are or are not against the Bill. What figures I present shall be facts and not guesses. In the course of his speech the hon. and learned Gentleman talked of "personal and bitter" reminiscences on my part, and I thank him for bringing the incident to my recollection. My reminiscences are decidedly personal, but certainly not bitter. On the contrary, the incident to which he refers is one to which I shall never look back without satisfaction. It has direct relation to one of the points which the hon. and learned Gentleman thought most telling in his speech. He asked—"What are we to think when we find that 240 corporations in England have petitioned in favour of the Bill: is not that an argument against there being an organization in its behalf? My answer to that is, that I think it very strong evidence that there is an organization; that the organizers have gone to work meaning business, and have worked with good effect, which is easy to do, upon the feelings of the smaller borough corporations. The first seat that I had the honour to occupy in this House was for the borough of Maidstone; and in that borough was a gentleman, high in the councils of the party to which I then and still belong, who was a witness in his own name before the Commission over which the Bishop of Lichfield presided. So there was no secret about the matter; still, out of delicacy to the memory of that gentleman, who is now dead, I will not name him. He had unfortunately contracted an alliance of this kind, and the question was first raised in this House, not, as the hon. and learned Gentleman (Sir Thomas Chambers) stated, in the year 1849, but in 1842, when Lord Francis Egerton, afterwards Earl of Ellesmere, moved for leave to bring in a Bill, which leave was refused by 122 to 100. I opposed his Motion in 1842, as I have done since in similar cases. But let me here interrupt my narrative to repudiate for myself the honour which the hon. and learned Gentleman has thrust upon me of being the origin and centre of the opposition to this Bill. Ever since the year 1842 I have been its opponent; but not I, nor any others, could have been the opponents we have proved ourselves, if we had not been backed up by a strong, a respectable, and hitherto an overpowering public opinion on our side. But for my own share in the opposition I beg to state that I only take my part with others. There is my right hon. Friend (Mr. S. Walpole), whom I respect as my senior Colleague. He distinctly continues to oppose the Bill. Then there is the right hon. Gentleman the Member for the University of Oxford (Mr. G. Hardy); he also stands by us; so does the Attorney General and the late Chancellor of the Exchequer. Honoured names these are, and many more, both in and out of the House, and their faithful lieutenant and assistant I am proud to be in opposition to the Bill, claiming for myself no more credit than that of doing my duty to my country and my conscience. Well, I was one of the majority in 1842 who refused leave to Lord Francis Egerton to bring in his Bill. At the General Election in 1847 the question had become a little troublesome at Maidstone, on account of the private influence of that gentleman and of another person. It happened, however, that he was again mayor in 1847, having previously filled that office at the time of the preceding General Election. In 1847 I found myself again elected for the borough of Maidstone. The question was re-opened in that Parliament, and then, as now, I did what I could to throw out the Bill. As another General Election approached, it was represented to me that Mr. So-and-So was still more dissatisfied, and that some people feared that his opposition would be found sufficiently powerful to frustrate my chance, unless I gave some assurance that would be satisfactory to him on this subject. All I said was—"The only assurance that I can give you is that I do not care about coming in for Maidstone again, compared with defeating the measure, and that rather than not oppose it I will retire from its representation"—as I did. So that but for the opposition of this one gentleman on this particular question, I might have sat again for Maidstone in the Parliament of 1852. That, then, is an epitome of the history of the whole transaction. A few persons having contracted these alliances, or wished or determined to do so, have put the heaviest and sharpest screws upon their representatives, and have said to them—"Vote for marriage with a deceased wife's sister, or lose your seat." For this cause I lost my seat, whilst other persons who were more pliable, or their principles more elastic, retained theirs and swelled the Division List. I do not stand here to judge any man; but my experience at Maidstone is the answer I have to give to the hon. and learned Gentleman, and it supplies an explanation of the origin of the inflated and artificial agitation which has kept the question afloat so long. The scandal and gossip which we have all heard in private society and at the dinner-table it would be wrong for me to refer to in the House of Commons; but it all points to the same conclusion. I stood afterwards for a much larger borough—Stoke-upon-Trent—composed of several townships, with an aggregate population of above 100,000. In that borough, how many cases met me of such alliances? Two. One was that of a man in a humble station of life—a small basket-maker. He asked my opinion, and then said he could not vote for me, and I quite forget in which of the constituent towns I met him. This occurred when I was defeated for Stoke-upon-Trent, in 1862. In the second case, the person who had contracted an alliance of this sort was an influential member of the Conservative party in the borough. He, too, asked my opinion; and, on my reply, stated that though he agreed with me in politics, yet he could not support me. In the interval, during which I was not in Parliament, I still went on doing and saying what I could against the measure; and when I stood again, in 1865, this gentleman, out of respect for my not sacrificing my convictions to secure his support, became my warm supporter, was a member of my committee, canvassed for me, and helped to get me in; and yet one of the first things I did when I got back to the House of Commons was to give a vote that must have been exceedingly painful to him personally. These, then, are my "personal and bitter" recollections, and I make them a present to the hon. and learned Gentleman. I now come to his speech, and I own I was astonished to hear him —master of debate as he is—fall back upon that absurd arithmetical argument of 63 divisions for and 3 against the Bill. Of course, when a Bill has been carried a second time, and gets into Committee, and after it comes out of Committee, the subsidiary votes generally follow the bias of the great or principal vote. In fact, the division on the second reading, in nine cases out of ten, gives the colour to all the subsequent divisions on every Bill which raised without much detail some specific question. I hold in my hand an epitome of all the divisions that I cared to note down, for I decline to potter over all the 63. How a person who has the experience of this House that the hon. and learned Gentleman has, who respects himself, and looks upon us as men of common sense and understanding, could come down here with this clap-trap of 63 divisions, when we all know what that means, I am at a loss to imagine. It might do very well in combination with denunciations of the unconstitutional proceedings of the Lords and abuse of the Bishops at meetings in St. James's Hall, after a majority of lay Peers had defeated the Bill. There this sort of argument does very well. So it does at the end of papers signed "Joseph Stansbury, M.A.;" but for the representative of a great constituency, a learned and an honoured Judge, to stand up here, and with solemn face attempt to beguile us with these statistics, when he knows that all the divisions that the House will or ought to attend to are some six or seven on the second readings, or on stages equivalent to second readings, shows an amount of assurance on the part of the hon. and learned Gentleman for which I give him due credit. The assertion of the hon. and learned Gentleman is, that the House of Lords has repeatedly rejected the Bill, although the House of Commons has far oftener—namely, by 63 divisions—passed it. What does that come to? What are those figures, taken as they really are? Will it be credited by this House that, between the years 1859 and 1871, the House of Lords never had the opportunity given to it by the House of Commons, or by any of its own Members, of considering the Bill?

The hon. and learned Gentleman has dwelt on the continually rankling wrong and on the strength of public opinion on his side, and says that, of late, the grievance has reached an intolerable height. Granting all that, how does he account for that most extraordinary problem of his friends and backers being either unwilling or unable to bring the matter before the Upper House from 1859 to 1871? The reason is that, within those 12 years, the Bill came four times before this House, and, by a curious coincidence—if we are to believe the hon. and learned Gentleman, who made such turgid appeals to public opinion—the House of

Commons threw it out three times. So that whilst he bestows upon the House the product of his rich fancy, I confine myself to plain fact and figure; and the fact and figure here is that between the years 1859 and 1871 the House of Lords was freed from the trouble of having to deal with the question at all, because in the rare and fitful intervals, when it was raised in this House, this House on three occasions out of four sent the Bill to the limbo of rejected measures. In the year 1859 the House of Lords rejected it by a majority of 10, and had peace for a dozen years, for in the year 1861 this House threw it out by 177 to 172. In 1862 it slipped through a second reading by a narrow majority; but another division on the Main Question being taken at the stage that the Speaker do leave the Chair, the Bill was defeated by 148 to 116. And in the year 1866 it was again thrown out by 174 to 154. That was the time when the hon. and learned Gentleman first made himself sponsor for the Bill; and he had then to mourn over the premature decease of his cherished offspring. Since that the hon. and learned Gentleman has been sailing down the stream of time at the head of decreasing majorities. True, there was a slight increase last year; but having in 1869 succeeded in getting a majority of 99, in the following year he found himself with a majority of 70 only, which, in 1871, he succeeded in bringing down to 41. The majority of 99 having collapsed to 70, and the 70 having collapsed, first, to 41, and then on the retrospective clause to 35, in 1872 the majority shot up again to near 50; but at present all he can credit himself with is the brilliant success of having, since the Bill has been under his patronage, sunk his majority from 99 to 50. That, then, is the history of this Bill in the present Parliament. Now, with regard to the House of Lords, the hon. and learned Gentleman says that that House shows signs of giving in; and that the feeling against the Bill in the House of Lords is getting weaker and weaker every year. What is the fact? The last time that the Bill was before the House of Lords was in the Session of 1871, and the majority against it was 26; the largest majority against the measure which that House has ever recorded. So much for the argument founded upon the divisions in the House of Lords. I am sorry to have detained the House so long upon it; but when I see such barefaced assertions and such juggling with figures—to throw dust in the popular eye—as this reference to 63 divisions in this House, I am bound to let the country know what is the true value of such representations.

The hon. and learned Gentleman dwelt for some time on the Statute of Henry VIII., and argued that his proposal involved no fundamental change in the principles of that Act, inasmuch as it declared that the only prohibited degrees should be those which were prohibited by God's law, and that he asserted that his Bill was based upon the same principle. But he must be aware, as a lawyer, that that is only fencing with the question. Is God's law, so to speak, codified? We know that it is not. We know that God's law is distributed through the various books of the Old and New Testaments, and that Christian men in different ages have gathered God's laws from these books; but that a distinct revealed code of God's law, in a systematic shape, upon which we can put our hands as on an Act of Parliament, unmixed with history, unmixed with poetry, unmixed with argument, unmixed with devotional utterance, does not exist. It was not God's purpose to give his law in the shape of a distinct and a naked code. It is scattered through the various books of Holy Scripture, and has been thence deduced in all its completeness by the wisdom, the instinct, and the learning of first the Jews, and then the Christians. So this Act of Henry VIII., when it declared that all marriages, and no other, were to be held legal that were made according to God's law, not only uttered what the hon. and learned Gentleman would make us believe was a pompous platitude, but gave a definite and restrictive legal meaning to that phrase by adopting the table of degrees of prohibition which now exists. Alter that list, and you make a fundamental change in the Statute law of the land; because those degrees which are according to God's law, in the terms of the Statute of Henry VIII., will no longer be the statutable expression of God's law, for something else will have been substituted for them, and to that something else will hereafter be referred the description of accordance with God's law, unless, indeed, that condition be altogether dropped. So much for that argument, which I was sorry to hear proceed from lips from which I expected legal accuracy. Then the hon. and learned Gentleman thought he had made a great point when he referred to *The Speaker's Commentary*. He said that the question was now conclusively settled by the interpretation given of the 18th chapter of Leviticus, in *The Speaker's Commentary*. Perhaps the hon. and learned Gentleman is not aware that, although such an interpretation occurs in *The Speaker's Commentary*, it is only the expression of the opinion of the individual divine who happened to write that portion of the book; and it is no betrayal of confidence when I say that the eminent Prelate and learned Hebraist, who is the editor in chief of that Commentary—the Bishop of Ely—was much disappointed and distressed at the appearance of that passage in the work. I have corresponded with him on the subject, and the House will believe me when I say that his letters to me express that disappointment and disapproval. I am sorry, for the sake of *The Speaker's Commentary;* but I care much more about the maintenance of the marriage law of the land. The learned Prelate's expression of displeasure proves that a portion of *The Speaker's Commentary* was published without carrying with it the weight of authority which the book seemed to possess in all its parts, from the names that were published in connection with it. I trust, therefore, that we shall hear no more on the subject of *The Speaker's Commentary*. Then the hon. and learned Member tried to make a great point about the feeling of the Jews; and he tells us that the Jews are unanimous in reading Leviticus in his sense. I thought that Holy Scripture was to be read, not as the Jews read it, but as the disciples of Christ read it. I thought that, when our Lord came upon earth, He came to give a higher marriage law than that which had existed among the chosen people of the old Covenant. I remember a passage in one of the Gospels in which, dealing with this very question of marriage, the Saviour himself charges Moses with imperfection—imperfection which was allowed under the providential order of the world, still imperfection. I think I have read that Moses, "for the hardness of their hearts," permitted a lax law of divorce which, under the Christian dispensation, is no longer to be tolerated. Under the Mosaic economy, too, there is a toleration for polygamy, which does not and cannot exist under the Christian dispensation; and these things were allowed "for the hardness of their hearts." In every respect, then, where the Mosaic law is prohibitory, the prohibition, of course, attaches more forcibly under the Christian dispensation; and where the law of Moses is lax, the question is whether that laxity is a laxity which is allowed merely for the imperfect and transitory condition of the Jewish people, or whether it is to be leave and license for those who live under the higher law and obligations of the Christian dispensation. Therefore, when I find that the Christian dispensation, for 1,500 years without a doubt—for the last 300 years by a strong majority of opinion—has prohibited these marriages, I am driven to the conviction that the Jewish law, as interpreted by the higher law of Christianity, concludes against these marriages among the people of Christ, and I am content to accept this chapter of Leviticus as it stands. It is not for me to attempt to dissect that most obscure 18th verse of the chapter, on which Commentators of equal powers of mind and of equal knowledge of the Hebrew tongue are still debating; I do not argue whether "in her life time" refers to the time of taking the other consort, or to the anticipated vexation of the wife, which would endure so long as she lived, at the prospect of a sister successor; I do not argue whether the word "sister" there means literally the child of the same parent, or whether, by a figure of speech common in all languages, most common in those of the East, it simply implies another woman, and so reduces the passage to a prohibition of polygamy. These and other questions on the same point are under debate and learnedly argued. On that ground, therefore, I decline to bring forward any particular interpretation to back up my argument; and for the same reason those who think with the hon. and learned Gentleman ought equally to refuse to adduce as a conclusive argument any interpretation of the text which seems to make in their favour. If you attempt to interpret this Levitical law by its hard, dry words, see in what preposterous conclusions you may be landed! You will be landed in the conclusion that a man may not marry his mother, but may marry his daughter, for all through that particular chapter, out of each pair of similar relationships only one is expressed—son and mother, brother and brother's widow, and so on. You cannot get out of that difficulty, and there I leave it. Then, as to the practice of the Jews now; looking at what the Hebrew nationality now is; looking at that blindness of intellect which all who believe in salvation by Christ must think prevents the Hebrew people from realizing the one great meaning of all their inspired Scriptures; looking at all this, I cannot attach excessive value to any particular interpretation put upon Scripture by a people who have, as Christians must consider, so fatally mistaken the whole scope and bearing of the Old Testament.

Then the hon. and learned Member appealed to the history of Europe, and to the fact that all changes which have taken place in the marriage law during the last 300 years have, in his opinion, been changes on the side of relaxation and not on the side of restriction, with the single exception of Lord Lyndhurst's Act of 1835. So far he was travelling on easy ground; but he went on to assert that the series of relaxations had in no case produced a state of license of which any one need be ashamed; in short, that the world had become better and more pious for it. The hon. and learned Gentleman referred to the history and the poetry of his favourite Continental nations—France, for instance—as specimens of pure and austere virtue. I traverse his argument on these several points, and call upon the House to consider what is the state of the marriage law in those Continental nations where alliance with the sister of a deceased wife is tolerated. It is now nearly 400 years since the relaxation of this particular degree began, and the man who first made the relaxation was Rodrigo Borgia, Pope Alexander VI.—father, and something more, of Lucretia Borgia. That is the man out of whose system of dispensations the hon. and learned Member looks for the growth of virtue! I do not see the hon. and learned Member in his place at this moment; but he is represented by the hon. and learned Member for Aberdeen (Mr. Leith), whose name is also on the back of the Bill, and who has still to "win his spurs" in this debate. I call upon him, therefore, to answer the question which I have put in former debates to the hon. and learned Member, but which he has never yet answered. How can you account for this coincidence, that there is not a country in Europe in which marriage with the sister of a wife is tolerated, in which also marriage with a brother's widow is not tolerated? In which marriage with your own niece is not tolerated? In which marriage with your own aunt is not tolerated, and all tolerated under identical regulations? It is quite true, as the hon. and learned Gentleman has told us, that in many of the countries of Continental Europe, not in all, marriage with a deceased wife's sister is allowed, either as a rule or as an exception, in every one of those countries, a marriage with your aunt or your niece is similarly allowed. That, I think, is a coincidence which demands some explanation. We are told that altering the law will not alter the standard of morality; and appeal is made to the traditional belief in a higher conjugal morality as existing in this country. In that traditional belief I myself share. I believe that we may claim a higher standard of such morality than the Continental nations; because our institutions respond to, back up, support, and make possible that higher moral feeling. I do not believe, therefore, that, if with our eyes open, we shall be induced to lower our institutions to the Continental level, we shall be able to keep up that moral feeling after we have ostentatiously knocked down the bulwark which the wisdom of our institutions has raised for its protection. In some Roman Catholic countries, and in some Protestant, too, marriage within these degrees, with the wife's sister, the niece, or the aunt, is only permitted by dispensation. In others, such alliances may be contracted without dispensation. What does the House suppose is the principal country in Europe where a man may take his wife's sister, his own niece, or aunt to wife without having to seek the leave of any dispensing power. It is the great and growing kingdom of Prussia—Prussia as distinct from Germany. Throughout the kingdom of Prussia marriage with an aunt or niece or a deceased wife's sister is tolerated, and all through that kingdom there is a legalization of divorce, under which, when married people become tired of each other, they may pair off, and pair on again, with absolutely no difficulty. Will the hon. and learned Gentleman have the effrontery to tell us that the moral law of Prussia is not vitiated, when even Germans say that it is enough to make them blush? He is an Englishman, and I believe that he has an Englishman's feelings on the moral law, and that he cannot, as an Englishman, say that the moral law of the Prussian kingdom is not such as to make Christian men blush and shudder. But he cannot pull out the main beam of a house, and yet expect the house to stand by its own gravity, though the support is gone. Alter this law, and what evidence can you give us that the other prohibited degrees will not be imperilled? The advent of the hon. and learned Member for Aberdeen to this House means the strengthening of the legal ability with which our debates should be conducted; and as he has placed his name on the back of the Bill, I think he is bound to give us the reason why. The hon. and learned Gentleman (Sir Thomas Chambers) appealed to the poetry and history of Continental nations. I, too, appeal to the example of France, whose literature can hardly be regarded as of the purest or most moral type. By the *Code Napoleon*, marriages with a wife's sister, with a brother's widow, or with an aunt or a niece, were prohibited; and so stood the French law until the year 1832. In that year a law was passed, equally legalizing all those marriages, with the dispensation of the Sovereign, and that has now been the law of France for 41 years. In Holland, too, these marriages are allowable by dispensation. So, too, in non-Prussian States of Germany. We know well, also, that in Spain and Portugal marriages of the most repulsive kind are tolerated by dispensation. We know how that unhappy house of Braganza, now extinct as a reigning family in the male line, during the time that it sat upon the Throne of Portugal, was absolutely gangrened by these disgusting and unnatural alliances between persons in the position of uncles and nieces and aunts and nephews. In Italy the same laxity is found. The history of society in Austria tells the like tale. There are distinguished names in the history of modern Austria, in whose family annals niece became wife. In Austria these marriages have taken place in the highest ranks of political and military life. Do you wish to see such spectacles at the honoured Court of Queen Victoria? I have pointed out, on former occasions, that, in making a private investigation, it was ascertained that out of 178 marriages within the prohibited degrees, one-third were other degrees of relationship—some of them the nearest—of which those with a brother's widow were the most numerous class. I pass over the contemptible anomaly of the wife's niece being cut out; reasoning fails before such absurdity. We have had plenty of gushing assertions upon this subject; but no reason has been shown why the brother's widow should be excepted from the Bill, while the wife's sister is included. The weeping, broken-down widow, who wishes to lean on the stronger arm of her husband's affectionate brother, presents a much more sentimental picture than the widower, unable to go through the world alone, and longing to cling to the side of his wife's sister. In fact, every argument on behalf of marriage with a wife's sister tells with double force in favour of marriage with a brother's widow. I call upon the hon. and learned Gentleman, then, to say why the brother's widow is excepted. What I believe to be the reason is, that Mr. Joseph Stansbury's clients are those whose inclinations lead them to the wife's sister and not to the brother's widow; and until he can give us some better argument—some argument founded on reason, on common sense, or on law—for drawing this distinction, he must allow us to retain our opinion; and allow us in doing so to draw our own inferences as to the personal, selfish, and artificial character of the agitation by which it is sought to make this change in the law.

These are some of the principal arguments that I have to urge against the Bill and speech of the hon. and learned Member for Marylebone. The hon. and learned Member did make one admission, and I was glad to hear it, though he himself did not see its force. He said that, prior to Lord Lyndhurst's Act, anybody could marry anybody, and that all wrong marriages were not void, but voidable. But that disposes at once of any value for his cause in the argument that the state of the law was one before Lord Lyndhurst's Act, and another after. Marriage with a deceased wife's sister was voidable before; now it is void; the condition of illegality is unchanged, it is only the process of reaching it which has been altered. The table of prohibited degrees has been kept the same, only a simple and strong method of enforcing it has been substituted for a cumbrous and weak one; and so long as that table is kept the same, the argument which is drawn from Lord Lyndhurst's Act is mere rhetorical embroidery, of which I think we have had quite enough. I believe that the agitation against this law is purely artificial and fictitious, that it proceeds from a few interested persons—persons who are so deeply and personally interested that they have never dared to publish their names; but have always masqueraded and ambuscaded behind a brass plate and a secretary somewhere in Parliament Street. They have never yet dared to meet the challenge and proclaim themselves. I have now pointed out to you how flimsy are the assertions of the hon. and learned Member, that the religious argument cannot hold water, and must be given up. I have pointed out the artificial nature of those appeals to the Petitions from corporate towns, and by a little chapter of autobiography, I have supplied a key to the manner in which gentlemen are induced to give their support to this Bill. I have also pointed out the fragmentary nature of this Bill, in simply attempting to deal with the case of the wife's sister, and in dismissing the more distant relationship of the wife's niece, while utterly ignoring the parallel case of the brother's widow. Above all—and it is the strongest argument—I have shown that the case cannot stand where it is; that in no country in modern Europe where the restriction on these marriages has been removed has it stopped short there, but that in all it has gone to the blood degrees of aunt and niece. My contention is that if we take the step now proposed to us we shall not be able to arrest our progress downwards. I appeal to hon. Members, then, not to pass this mere fragmentary piece of legislation; for I warn them that, if from thoughtlessness, or good nature, or from a desire to keep well with the corporations who have petitioned in favour of the Bill, they give it their sanction and support, they cannot stop until they leave the marriage law and the social life of England where they find it now in France and Prussia. Upon these grounds, and with the unabated confidence that the moral and religious feeling and the good sense of the people of England will be too strong for the hon. and learned Gentleman, for Mr. Stansbury and his anonymous association, and for the anonymous persons who stand behind that association, I beg to move, as an Amendment, that the Bill be read a second time this day six months.

Sir HENRY SELWIN-IBBETSON, in seconding the Amendment, expressed his surprise that the hon. and learned Member for Marylebone (Sir Thomas Chambers) had not in any way met the arguments which were so strongly urged against the Bill in that House last year, and had not attempted to show that they were unfounded in fact and did not represent the feelings of a large portion of the people of this country. Last year it was contended that the women of England generally were decidedly adverse to the measure; and an hon. Member from the sister country (Mr. Maguire), whose loss they all deplored, then earnestly and ably maintained that the feeling against it in Ireland was almost universal. Those statements had not been answered by the hon. and learned Member that day. He (Sir Henry Selwin-Ibbetson) had himself that day presented a Petition signed by a number of ladies who professed to represent the sentiments of a large section of the women of this country, and who took a very strong and decided view in opposition to the Bill of the hon. and learned Member. He had received a letter from a lady who spoke on behalf of a large circle, in which she said that she had been surprised at the intensity of the aversion which had been expressed by some of her female friends, and said she could scarcely conceive that any woman could approve the measure. They had it from a high authority on the Ministerial side that the proposed change would be seriously inimical to the best interests of domestic life. In 1870 the Lord Chancellor (Lord Hatherley) said that by such legislation they would drive out 99 sisters-in-law out of a hundred from bereaved families, and give a step-mother to the children in the hundreth instance, and that he did not think that much would have been gained for the benefit of the children. It had been said that that was a poor man's question; so far from it, the evidence brought before a Royal Commission by those whose interest it was clearly to show that those marriages had been largely entered into among the people, and especially among the poor, entirely failed to establish that proposition. It appeared, indeed, that out of a limited number of marriages, 1,600 had been contracted by parties above the class of poor, and only 40 cases were produced where the contracting parties were poor people. On this argument of its being a poor man's question, Lord Hatherley's language was exceedingly strong. He said that of all the hypocrisy in connection with the subject of which he had ever heard nothing was so monstrous as to speak of the question as mainly affecting the poor man; he knew, he added, something about the poor, and there was no class in the community who would be less affected by such a Bill as the present. That was a very decided statement, and the hon. and learned Member for Marylebone had, he was bound to say, brought forward no facts to contradict it. But what he objected to as much as anything was that the Bill dealt with only one part of the subject. If the marriage law in as far as it related to degrees of affinity was wrong, then it was wrong on more points than that under discussion, and the hon. and learned Gentleman ought to have moved for a Committee or a Commission to inquire into the whole matter. The measure proposed to the House had not always been in the form it now assumed. In 1849 the Bill that was brought in for the purpose legalized marriage not only with a deceased wife's sister, but, going a step further, with a man's niece. That fact furnished an indication that, if the "hard-and-fast line" which was now established were relaxed there was no knowing where to stop; they must go on relaxing until they broke down every restriction. Looking back on the debate on the measure of 1849, he found that several hon. Members of great weight and authority took part in the discussion; and the present Prime Minister, speaking in opposition to it, pronounced the question to be one of the greatest importance—adding that if the Bill were to pass, the consequence would be that the whole religious belief of the subject would be brought under the action of a vote of Parliament, and that it must, therefore, be regarded as most dangerous to our conscientious freedom. The right hon. Gentleman proceeded to ask where such legislation was to stop when it passed the definite line which had for many centuries been observed by the uniform practice of Christendom? Such were the opinions expressed in 1849 by the right hon. Gentleman. He had, it seemed, now changed his opinion, and he (Sir Henry Selwin-Ibbetson) was curious to know on what grounds. He hoped, however, the House would act upon the opinions the right hon. Gentleman expressed before he was Prime Minister, and would remember the words he used upon that occasion, that—

> "The House of Commons would do all that in them lay to maintain the strictness of the obligations of marriage, and the purity of the hallowed sphere of domestic life."—[3 *Hansard*, cvi. 632.]

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Beresford Hope.*)

MR. ANDERSON: When this question came before the House four years ago I made a few observations upon it for the purpose of contradicting assertions that had been made, that public opinion in Scotland was much opposed to this Bill. Since then I have always abstained from taking any part in the debate, for I thought it unnecessary for any great number of Members to speak, and that there was nothing new to say. A great deal has been said to-day about various countries in which this law exists. These were Continental countries; but nothing has been said about one great nation kindred to our own in many respects, kindred in feeling, kindred in religion, in which these marriages are considered not only unobjectionable, but are considered the most proper marriages any man can make if his deceased wife happens to have left a family. When I went to America not long ago, an interesting book called "Hannah," by the author of "John Halifax," had been published in the United States. The story of that book hinges on the iniquities of our present law, and I was asked by many ladies, whether in the old country such barbarous laws were still in existence. They thought these laws had been repealed many years ago. When I told them that these laws were in existence, that in vain we had attempted for many years to get rid of them, I was met simply with ridicule at our having such preposterous restrictions on the marriage law. I happened to visit one of the cities of the West, and found living there a gentleman and a young lady, the sister of his deceased wife, who was taking charge of the children. That young lady had not the slightest idea that she was doing anything wrong, nor had anyone else such an idea, and she was visited by everybody. Under that arrangement, therefore, there was no wide change in the social position of a deceased wife's sister. In America there was no such feeling against a deceased wife's sister occupying that position in her brother-in-law's house. Since that time these two had been married, and they now occupy a leading position in the city where they lived, without the slightest slur upon them. The hon. Member for Cambridge University (Mr. Beresford Hope) made a strong point of the fact, as he asserted, that in all Continental countries where this law exists there is likewise the latitude for a niece to marry her uncle. Why did the hon. Member confine himself to Continental countries in using the argument? Merely because he thought there was a lower tone in those Continental countries, and that might help his argument a little. Why did he not go to the Colonies or to America, where the people are of kindred race and religion, and see what exists there? From that we might form some judgment of what would be likely to take place here, better than we could from the example of Continental countries. Well, in America, where it has long been considered the most proper marriage a man can make, nobody ever heard of a man wanting to marry his niece, or a woman her uncle. I was surprised to hear the hon. Baronet the Member for Essex refer to the arguments in 1849. Does the hon. Baronet suppose that the world stands still? He might as well suppose that the sun would stand still for 20 hours as public opinion for 20 years. Public opinion on this question has been changed in a shorter time than that. In Scotland, no doubt, 20 years ago there was a strong feeling against this change, but there is no such feeling now. I believe that the Scotch Church has entirely abandoned opposition to the question, and has given up the religious ground; it is regarded solely on the grounds of expediency now, and nothing else. Public opinion is growing very much in favour of the Bill. I have known a Presbytery of the Scotch Established Church, both clergy and elders, passing resolutions in favour of the Bill; and the hon. and learned Gentleman (Sir Thomas Chambers) has also told us of many Churches petitioning in its favour; but the Churches do not altogether represent the state of public feeling. The Churches may give a negative support, but will not take the trouble to express it. I can only say that public opinion in Scotland, so far as I can interpret it, is entirely in favour of this Bill.

Mr. GREGORY said, he must protest against seeking arguments in America in favour of an alteration of our marriage law—he hoped that it would be long before we adopted a system which there led to so much confusion in its social and religious relations. He rose, however, chiefly to address himself to the retrospective action of the Bill, and the manner in which it would affect the rights of property. The Bill proposed not only to legalize future marriages of this description, but it proposed that all past marriages should be legalized, and the issue placed in the same position, as regards social *status*, as if the marriage of the parents had been legal from the beginning. Further on it was sought by Clause 3 to provide for the difficulty which arose in connection with the rights of property, which had taken effect under the existing law, and which the Bill, if it passed, would, of course, seriously compromise. It was accordingly proposed that so far as the Bill related to any marriage with a deceased wife's sister which had already been contracted, it should not invalidate any right, dignity, or title of honour, or any estate, legal or equitable in land, chattels, or effects, which might have been vested in any persons before the passing of the Act, or any *bonâ fide* instrument which might have been executed. By that means it was sought to get rid of the difficulty to which he was adverting. But *ex post facto* legislation should only be resorted to on the strongest grounds of justice, and upon such grounds the present measure failed to entitle itself to support. If the grounds for the provision which he had mentioned were just and substantial, why should they be made applicable merely to the social *status* of the parties concerned? If they were just in the one case, they were equally just in the other. When children now illegitimate saw themselves restored by the Legislature to the rights of legitimacy, would they regard it as fair that persons having previously only a contingent interest in the property of their parents should deprive them of that property? Again, in reference to property held by women in their own right, as a consequence of the validity or invalidity of these marriages, the right of the husband's creditors would be seriously affected, and many difficulties would arise. It was clear that the framers of the measure found themselves driven into contradictions and anomalies from which they found it impossible to escape.

MR. O'REILLY DEASE rose to urge upon the House the facts that marriages of this kind were approved of in the Church to which he belonged, and that this, the largest body of Christians, was in favour of the Bill—and he had been urged by many Roman Catholic divines of eminence to support it. The hon. Member having referred to instances of great hardship to individuals caused by the present state of the law, concluded by pressing the House not, by preserving an unjust law, which was disobeyed by many most respectable persons, when from social motives they felt such marriages were desirable for them, to induce in the people a tendency to treat with laxity the institution of marriage, one of the bulwarks of the social state.

MR. HEYGATE thought the Bill, while it settled nothing, would unsettle everything, and fixed no logical standpoint for the future; and it dealt with only one out of several prohibitions against marriage. All were agreed, he believed, that it was expedient there should be a law declaring that within certain degrees of kindred marriages should not be permitted; but it was desirable to have some principle laid down on the subject which should be intelligible to the common sense of the country. That was the principle on which the marriage law now rested. We had two principles of prohibition—prohibitions of consanguinity and prohibitions of affinity. With respect to consanguinity there was one simple rule on which all the prohibitions were founded—that a man might not marry the descendants of his father and mother, or a woman the descendants of her father or mother. Then, as to prohibitions of affinity, the law laid down that a man and woman by marrying assumed each other's relationships, the wife's sister becoming the husband's sister, and the husband's brother the wife's brother, and marriages were not permitted within nearer degrees of affinity than those of consanguinity. It might be difficult to convince an objector of the reason for any particular prohibition; but the law, as a whole, rested on an intelligible principle, and to tamper with it in one point might undermine the whole. He was surprised the advocates of women's rights did not insist on the wife being able to marry her husband's brother; and though the supporters of the Bill disclaimed any desire for further relaxation, it was a fact that in Australia marriage with a wife's niece was permitted. If they infringed upon the principles now acted upon, they would quickly go on until they unsettled the whole marriage law. The Westminster Confession disapproved these unions; and a statement signed by leading members of all the Presbyterian bodies in Scotland went to show that the people of that country were opposed to the Bill. As to the Roman Catholics, the late Mr. Maguire, whose loss was so much deplored, stated that outside a lunatic asylum he did not believe 500 women in Ireland favoured the measure; and in the Church of England the same feeling notoriously prevailed. It was quite misleading to represent the Act of 1835 as the first prohibition of these marriages, for they were previously voidable, and that Act simply made them *ipso facto* void. The difficulty experienced to-day in forming a House, the scanty attendance, and the *fiasco* in which the attempted indignation meeting in St. James's Hall resulted, showed the absence of any strong feeling on this question out-of-doors; and before such a change was sanctioned its advocates were bound to point out a logical stand-point for resistance to further relaxations. Horace—as much a philosopher as a poet—had told us—

"Fœcunda culpæ sæcula nuptias
Primùm inquinavere, et genus, et domos.
Hoc fonte derivata clades
In patriam populumque fluxit;"

and as then, so now, to tamper with the marriage law would have disastrous results.

Mr. MILLER said, he should not have risen to address the House on this question, had it not been for the statement made by the hon. Member for Glasgow (Mr. Anderson) as to the Scotch feeling on this matter. No doubt when a Member spoke of the feeling of Scotland on a question of this kind, he spoke only from his own knowledge. Now, he (Mr. Miller) did not know what the feeling might be in Glasgow, but he did know that generally over Scotland the feeling, as he understood it, had been very decidedly against this change. As to the statement that the Established Church had given up this point, he did not know how to believe it; but, for himself, he was connected with one of the large Presbyterian bodies there, and he knew they were out-and-out against this change. The other large Presbyterian bodies—the United Church, the Presbyterian Church, and the Reformed Church — he believed that all these bodies were distinctly against the change. He had been largely connected with the labouring classes, and certainly he had never heard from them that they were in favour of the change, and he believed if Scotland was polled from one end to the other the large majority of the people would be found decidedly against it. He should look upon the passing of the Bill with great alarm. It would alter the whole family relations of the country. The sisters of the wife were now admitted freely into the house, and they were looked upon as the sisters of the husband, and there was no difficulty in the matter; but if the law were changed disturbance would be carried into families where there was now nothing but peace.

Mr. HINDE PALMER said, he supported the proposal of this Bill, but he had done so chiefly in the interest of persons in the lower ranks. He had not sympathy with those of the upper ranks who deliberately violated the law; but the position of the lower classes was different. To them marriages of this description were almost a necessity, and the connection already existed in numerous cases without the sanction of any marriage at all. The experience of eminent clergymen like Dr. Hook and Dr. Vaughan among large working class communities had led them to advocate the change, Dr. Vaughan affirming that an arbitrary hindrance to the legal union of persons so related resulted as a certain alternative in their illegal union. He should without the slightest hesitation support the Bill.

Colonel BERESFORD, in opposing the Bill, lamented the loss which those with whom he acted on the present occasion had sustained in the death of Mr. Maguire. The absence of Petitions from the women of England showed how this Bill was viewed amongst those who were most deeply interested in it. He opposed the Bill upon the Divine law, as laid down in Leviticus and in the Epistle to Timothy. He objected also to the Bill as being a retrospective one, and legalizing that which when done was contary to law. He should decidedly vote against it.

Sir THOMAS CHAMBERS, in reply, said, he had been challenged to show that the women of England were in favour of the Bill; he would therefore remind the House that numerous Petitions—one from Birmingham signed by upwards of 2,000 women—had been presented in its favour. He denied that it would lower the general tone of morals, and the prevalence of objectionable unions in countries where marriages of this kind were allowed was not attributable to such allowance, but to a low tone of morals.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 126; Noes 87: Majority 39.

Main Question put, and *agreed to.*

Bill read a second time, and *committed* for *Monday* next.

MARRIED WOMEN'S PROPERTY ACT (1870) AMENDMENT (No. 2) BILL.

(*Mr. Staveley Hill, Mr. Raikes, Mr. Goldney.*)

[BILL 24.] SECOND READING.

Order for Second Reading read.

Mr. STAVELEY HILL, in moving that the Bill be now read the second time, explained that its purpose was to remedy a defect in the Act of 1870 by which an ante-nuptial debt could not be recovered either from the husband or the wife, if the latter had no property settled to her separate use. A woman keeping a roadside inn, and indebted in the sum of £30 or £40 to her maltster, having married, both she and her husband refused to pay, and an eminent pleader, Mr. Dodgson, had been obliged to inform the maltster that the debt was barred by the Act. Six or eight similar cases had occurred within his own knowledge. The Bill would enable the husband and wife to be sued for an ante-nuptial debt; but would enable the former to plead that he received no assets with his wife, or not assets to the extent of the debt, in which case he would not be liable, or liable only to the extent of the assets received.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Staveley Hill.*)

MR. HINDE PALMER said, he had himself introduced a Bill which would remedy both this and other defects of the Act, which were attributable to the alterations made in the measure by the House of Lords. He had arranged with his hon. and learned Friend (Mr. Staveley Hill) that after this Bill was read a second time the Committee should be postponed to enable him (Mr. Hinde Palmer) to bring on the second reading of his own Bill. He had done that for the purpose of saving the House from the trouble of having a discussion twice over on the same question.

THE ATTORNEY GENERAL said, that in assenting to the second reading he did not wish it to be understood that he pledged himself only to this proposed alteration of the law. There was no doubt that the particular point upon which it was now proposed to legislate was a blot on the statute; but there were other matters connected with the existing law which also demanded legislation. It appeared to him that his hon. and learned Friend (Mr. Staveley Hill) would find his Bill unnecessary when the measure of his hon. Friend the Member for Lincoln was submitted to the House.

MR. GREGORY hoped that a copy of the Bill would be placed in the hands of Members some time before it was again brought before the House.

Motion *agreed to.*

Bill read a second time, and *committed* for *Friday* 21st February.

STANDING ORDERS.

Select Committee on Standing Orders *nominated:* — Colonel WILSON PATTEN, Viscount CRICHTON, Mr. DENT, Mr. DODSON, Mr. HENLEY, Mr. CHARLES HOWARD, Sir GRAHAM MONTGOMERY, The O'CONOR DON, Mr. SCOURFIELD, and Mr. WHITBREAD.

SELECTION.

Committee of Selection *nominated:* — Mr. DODSON, Sir GRAHAM MONTGOMERY, The O'CONOR DON, Mr. SCOURFIELD, Mr. WHITBREAD, and the Chairman of the Select Committee on Standing Orders.

GAME LAWS.

Select Committee *appointed,* "to consider the Game Laws of the United Kingdom, with a view to their amendment, and to inquire into the Laws for the protection of Deer in Scotland, with reference to their general bearing upon the interests of the community:"—Committee to consist of Twenty-one Members:—Mr. HUNT, Sir GEORGE GREY, Mr. WHITBREAD, Sir MICHAEL HICKS-BEACH, Mr. M'COMBIE, Mr. ROWLAND WINN, Sir JOHN TRELAWNY, Mr. CLARE READ, Mr. COWPER, Mr. STURT, Mr. DENT, Mr. CAMERON, Mr. M'LAGAN, Lord ELCHO, Mr. HARDCASTLE, Viscount MAHON, Mr. SHERLOCK, Sir HENRY SELWIN-IBBETSON, Mr. WINTERBOTHAM, Mr. MUNTZ, and Mr. PELL:—Power to send for persons, papers, and records; Five to be the quorum.

EDUCATION OF BLIND AND DEAF-MUTE CHILDREN BILL.

On Motion of Mr. WHEELHOUSE, Bill for making further provision for the Education of Blind and Deaf-Mute Children, *ordered* to be brought in by Mr. WHEELHOUSE and Mr. MELLOR.

Bill *presented,* and read the first time. [Bill 53.]

METROPOLIS BUILDINGS ACT AMENDMENT BILL.

On Motion of Dr. BREWER, Bill to repeal the fifty-fifth Section of the Act of the seventh and eighth years of Victoria, chapter eighty-four (the Metropolitan Buildings Act), so far as relates to the slaughtering of cattle for human food, *ordered* to be brought in by Dr. BREWER, Mr. W. M. TORRENS, Mr. M'ARTHUR, and Mr. LOCKE.

Bill *presented,* and read the first time. [Bill 54.]

House adjourned at Four o'clock.

HOUSE OF LORDS,

Thursday, 13th February, 1873.

MINUTES.]—Representative Peer for Ireland—Lord Crofton, *v.* Lord Clarina, deceased.

Public Bills—*First Reading*—Supreme Court of Judicature (14).

Second Reading—Turks and Caicos Islands* (2).

SUPREME COURT OF JUDICATURE BILL.

BILL PRESENTED. FIRST READING.

The LORD CHANCELLOR, who had given Notice, To call attention to the subject of a Supreme Court of Judicature, including provision for the trial of Appeals, said: My Lords, in Her Majesty's Gracious Speech your Lordships were recently told that your attention would be invited to the subject of the formation of a Supreme Court of Judicature, including provision for the trial of Appeals; and it was stated that this was one of the legislative subjects of importance which have already been brought under your notice in various forms and at different periods. My Lords, it is probably a universal law—certainly it is a general law—concerning all legislative matters of importance in this country that they depend on the gradual formation of a sound public opinion, founded on experience; and if that is true with regard to any class of measures, it is emphatically true of those measures which relate to improvements or amendments in the law. My Lords, of all our institutions, there are none which excite a greater, a more natural, or a more profound interest than those which relate to the administration of justice. None tend more to bind together the whole fabric of society, and none are held in more general and just estimation and reverence by the people. And, my Lords, it may be for this very reason that public opinion on these subjects is of somewhat slow growth, and that they are relegated to a more serene region than that ordinarily devoted to polemical and political contests. All classes of men feel that they have a particular interest in having these subjects dealt with on sound and right principles, and therefore passion and excitement have but little place in the consideration of such matters. Indeed, there is almost a difficulty in the way of those who endeavour to deal with them, arising from the fact that there is not, perhaps, enough popular interest usually aroused to command at all times, amid the multiplicity of business which has to be discharged and the greater excitement that attends much of it, the amount of momentum which is needful to carry great measures of reform through both Houses of Parliament. Time, therefore, is required—and, on the whole, I think it is good that time should be required—to bring opinion on these subjects to the maturity necessary for sound legislation. On this particular subject it has been growing for a considerable number of years. During many years that opinion has been forming among the most educated and enlightened classes of society — in your Lordships' House and the other House of Parliament, and particularly among those who are most conversant with the administration of justice. This being so, my Lords, unless I encourage in myself too much hope, I venture to think opinion has now reached a point which will enable us to grapple with this great subject.

And, my Lords, as the subject is so large, perhaps the short retrospect which I intend to make by way of preparation for a statement of the plan which I have to lay before your Lordships may not be superfluous. I will not go further back than six years from this time, when, the subject having received some notice in a Speech from the Throne, I, in "another place," had the honour to direct the attention of the House of Commons to the general question of our judicial institutions. It had occurred to me that there were many evils and inconveniences which had gradually been accumulating—and which had made themselves more and more felt—with the advancement of society, and the increase of legal business consequent thereon, owing to the separation of the jurisdiction of our different Superior Courts. I took the liberty of stating at that time the views I had formed both of the evils actually experienced and of the possible remedies. My Lords, I may be excused for repeating to your Lordships what I then said, and what I believe to be no less true now with respect to those evils — that they were not due to any shortcomings on the part of those learned and admirable men who administer justice in our Courts. Whatever is faulty rests with the system itself, and not with the men who administer it. Indeed, but for the fact that we have had such men we should have been much less able to overcome the growing difficulties connected with the system; and that, perhaps, is the best and clearest proof that it ought to be reviewed and in some respects changed and improved. What I then suggested was not without fruit. My noble and learned Friend who was then Lord Chancellor (Lord Chelmsford), and who is now present in your Lordships' House, thought it right to appoint a Commission to inquire into the whole of this large and important subject. A better Commission it would have been difficult to form, whether having regard to its general composition, or to the personal qualifications of the learned men of which it was composed. That Commission entered upon its labours with a strong desire to perform its duties to the public advantage, and devoted itself to them with great earnestness. Under the presidency of two successive Lord Chancellors (Lord Cairns and Lord Hatherley), it occupied a considerable time in the consideration of various points connected with the subject. One of the Lord Chancellors who presided over that Commission was my noble and learned Friend (Lord Hatherley), whose absence on this occasion all your Lordships regret on account of the cause; but I am glad to think that regret may be tempered by the pleasure we all feel in the confident expectation that it will not be very long before he will be again able to contribute his valuable assistance to our discussions. My Lords, not only was the Commission composed of persons highly qualified to form sound opinions on this subject, but it had the further advantage of receiving assistance of a very valuable kind from different legal bodies throughout the country. The attorneys and solicitors of the Metropolis, associated in their Law Societies, and those of Liverpool and other large provincial towns, considered the matter, and gave most valuable contributions of practical knowledge, such as to enable the Commission to form correct views as to the tendency of the opinions of those best acquainted with the conduct of legal proceedings. The Commission made its first Report in 1869. But before it did so one step in advance had been taken by the Legislature, which tended to introduce a new element into the question. In 1868 three additional Judges were appointed in consequence of the alteration made in the law with respect to the trial of Election Petitions. The Commission, as I have said, reported in 1869. They recommended large and important changes, the general principles of which, I venture to say, both at the time and since, have commended themselves to public opinion. Those recommendations have been before the public now for three or four years. There has been, therefore, ample time to consider them, and to point out anything which might be considered erroneous in the views put forward by the Commission; but, as far as I am able to judge, the result of time and consideration has been in the most material points to confirm their conclusions. Before I conclude, your Lordships will see that in respect of some points I do not exactly adhere to the lines the Commission laid down; but the general scope of the measure which I shall lay on the Table will be found to have been anticipated in those recommendations. The Report of the Commission was first followed in 1870 by the introduction in this House of two Bills by my noble and learned Friend the late Lord Chancellor. My Lords, I think it would be a great mistake to suppose that the credit of successful measures, when the time comes at which they can be adopted, belongs to those who then introduce them. The predecessors of those persons have paved the way for them, and laid the foundations of the superstructure to be afterwards built. The criticisms made on former attempts at legislation are also most useful to those who have to prepare such measures. I desire, therefore, my Lords, to express my obligations to the Members of the Commission, to the Members of your Lordships' House, and to the eminent Judges and others, who criticised those former measures which were so introduced, and pointed out the ways in which they were capable of improvement. My Lords, in the Bills which Lord Hatherley introduced in 1870 he adhered to the main outline of the recommendations of the Commission, but did not attempt to fill up that outline, or to show, in detail, how the general scheme laid down was to be put into operation. That was to have been done by Rules framed by an authority which itself was the object of much criticism; but the discussions which took place in reference to those Bills showed that, while there was a favourable disposition towards the formation of a High Court, it was felt that in a matter of such importance it was necessary to know how the scheme was to be worked out, and that anything in the nature of a skeleton scheme would not be regarded as satisfactory. It was not thought desirable to delegate to an external authority—even were that authority itself beyond criticism — the momentous duty of framing the whole working plan by which the scheme was to be carried into effect. That criticism commended itself to many of those, who were most conversant with the subject; but notwithstanding, such was the desire of your Lordships—especially of those of your Lordships who best understood the matter—that no impediment should be thrown in the way of the intended improvements; though looking on the scheme as an imperfect one, you thought it the better course to send those two measures down with your Lordships' fiat on them to the other House of Parliament, rather than leave room for the supposition that the general principles on which they were based had encountered your Lordships' disapproval. They went down accordingly to the other House; but they were not further proceeded with in the House of Commons. In 1871, though preparations were made for re-introducing them in an altered form, they were not re-introduced. But in the course of that year further valuable criticisms were made on the measures by my learned and esteemed Friend the Lord Chief Justice of England, by the Master of the Rolls, and by others of the Judges; and progress was made in amending the scheme. I think the thanks of the public are due to the Lord Chief Justice, and the other learned Judges, for those criticisms, and I am happy to acknowledge the assistance they have afforded me in framing the measure I am about to submit to your Lordships. A Bill of considerable practical importance was, however, introduced in 1871. It was the one appointing four additional Judges, with salaries, to strengthen the Judicial Committee of the Privy Council. One of the sections of that Act ends with this proviso—

> "Provided always, that they shall hold their offices subject to such arrangements as may be hereafter made by Parliament for the constitution of a Supreme Court of Appellate Jurisdiction."

That proviso shows that at the time that Act was passed Parliament recognized the importance of dealing with this branch of the subject. It shows that when providing for the appointment of those additional Judges it conceived the idea that it was giving facilities for the administration of justice which might be turned to account when the subject of Appellate Jurisdiction came to be dealt with. My Lords, last year my predecessor introduced another Bill entirely confined to the Final Appellate Jurisdiction as exercised in your Lordships' House and by the Judicial Committee of the Privy Council. Your Lordships appointed a Select Committee to consider that Bill, and on the Report of the Select Committee I shall have something to say when I come to that part of the subject.

My Lords, I do not propose to go, in the first place, into the question of Appellate Jurisdiction. I propose to deal with the whole measure in the natural order —to look, in the first place, to the general administration of justice, calling attention to the defects which I believe to exist, and the remedies by which I propose to remove them. Taking stock, then, by the light which we have acquired during the last six years, I think I may say there are four points which have become settled points in the minds of those who best understand the subject, as well as in the mind of the public. The first relates to the artificial separation of legal and equitable jurisdictions, such as never did exist and does not exist in any other country in the world except our own and those which have borrowed our system. This artificial distinction is not only unsatisfactory in itself, but is productive of the greatest possible inconvenience and obstruction to the administration of justice in its actual results. There has been a conviction that, whatever else may be done, we ought to put the finishing stroke to measures of a more partial character which have already been adopted in the same direction, by bringing law and equity—two ideas not artificial but real—into one single administration in the Superior Courts of this realm. The second point is, that we must bring together our many divided Courts and divided jurisdictions by erecting or rather re-erecting—for, after all, there was in the beginning of our constitutional system one supreme Court of Justice — a Supreme Court which, operating under convenient arrangements, and with a sufficient number of Judges, shall exercise one single undivided jurisdiction, and shall unite within itself all the jurisdictions of all the separate Superior Courts of Law and Equity now in existence. The third point is, that it is desirable to provide as far as possible for cheapness, simplicity, and uniformity of procedure. The fourth, that it is necessary to improve the constitution of the Courts of Appeal. My Lords, I approach the subject with the advantage of all these conclusions, which I venture to say have received your Lordships' approbation and the approbation of the public; and I am fortunate in being able to profit by the criticisms that have been brought to bear upon them, and so to avoid—or at least to endeavour to avoid—the defects which were thought to exist in the former attempts at legislation on this great subject.

I propose, then, to ask your Lordships to unite in one Supreme Court of Judicature all the present Superior Courts of Common Law and Equity, and also the Probate and Divorce Court, the Admiralty Court, and the London or Central Court of Bankruptcy. All these Courts I propose to have united in one Supreme Court; which is to be divided into two permanent branches or Divisions: the one consisting of a High Court of Justice to exercise original jurisdiction, and also to hear appeals from Inferior Courts: the other being a Court of Appellate Jurisdiction, to be called the Court of Appeal. I will deal with the Court of original jurisdiction in the first place, and afterwards with the Court of Appeal. I ought to have mentioned that I do not mean to elevate any Inferior Courts so as to unite them to the Superior Courts; but it is proposed to abolish two Common Law jurisdictions, the Courts of Pleas of the Counties Palatine of Lancaster and Durham:—they will be merged in the jurisdiction of the High Court. This High Court will consist of 21 Judges. Those Judges will be the present Judges of the Superior Courts of Common Law, the present Vice Chancellors, the present Master of the Rolls, the present Judge of Probate and Divorce, and the present Judge of Admiralty, with the exception of such three of them as Her Majesty may think fit to remove to the Court of Appeal. The number of the Judges whom I have enumerated is 24; but three of the Puisne Judges are proposed to be taken to the Court of Appeal, to remain there permanently — so that 21 Judges will be left for the High Court. The President of the High Court of Justice will be the Lord Chief Justice of England, and—this is a concession to sentiment—the old historic titles of the present Chiefs of the Common Law Courts will remain to them as Presidents of Divisions of the High Court. The Lord Chief Justice of England will, of course, retain his present title; the Lord Chief Justice of the Common Pleas and the Lord Chief Baron will be chiefs of Divisions with their present titles; but all the remaining Judges will be called "Judges of the High Court of Justice," and are to be addressed as the Judges of the Courts of Common Law at Westminster are now addressed, without any other distinction. So far as the measure to be laid on your Lordships' Table goes, it is, as I have said, proposed that 21 shall be the number of the Judges of the High Court; but, of course, if in the working of the measure that number is found to admit of diminution, that might be made a subject of future legislation. At present, it would be premature to assume that such will be the case, and I do not propose to deal with such a contingency at present.

Passing from the constitution of the Court, I have now to mention the next important point—namely, the jurisdiction which it is to possess, and the manner in which that jurisdiction is to be exercised. This High Court will unite the jurisdictions of all the present Courts except the Courts of Appeal—namely, the jurisdiction of the Court of Chancery, of the Courts of Common Law, of the Probate and Divorce Court, of the Admiralty, and of the London or Central Court of Bankruptcy, of the existing Courts of Pleas of the Counties Palatine of Lancaster and Durham, and of the Courts created by Commissions of Assize; and I hope the measure which I shall lay on the Table will contain what your Lordships will consider sufficiently clear and precise directions as to the general way in which the legal and equitable jurisdiction, so conferred, is to be exercised.

Those directions are given under seven

heads. First, the Court in all its branches will give effect to the equitable rights and remedies of plaintiffs; secondly, it will do the same with respect to equitable defences by defendants; thirdly, it will give effect to counter claims of defendants; fourthly, it will take notice of all equitable rights and liabilities of any persons, appearing incidentally in the course of any proceeding; fifthly, it will stay proceedings, when necessary, by the authority of the Judges before whom an action is pending, and not by injunctions to be obtained from other Judges; sixthly, it will give effect, subject to all equities, to legal rights and remedies; and lastly, it will deal, as far as possible, with all questions in controversy in one and the same suit, so as to do complete justice between the parties, and prevent a multiplicity of proceedings.

It may be asked—though I do not think the question would be put by those who are well acquainted with the subject—why not abolish at once all distinction between law and equity? I can best answer that by asking another question—Do you wish to abolish trusts? If trusts are to continue, there must be a distinction between what we call a legal estate and an equitable estate. The legal estate is in the person who holds the property for another; the equitable estate is in the person beneficially interested. The distinction, within certain limits, between law and equity, is real and natural, and it would be a mistake to suppose that what is real and natural ought to be disregarded, although under our present system it is often pushed beyond those limits. I content myself with saying that those rights and remedies which belong to the system of law and jurisprudence under which we actually live, and which are consistent with each other should be equally recognized, and effect given to them, in all branches of the Court. There are some points, however, in which, from this division of jurisdiction, unnecessary discrepancies have been introduced by reason of arbitrary rules established in different Courts. They are not very numerous. It is possible that some may have been overlooked: and on the suggestion of a high authority, I have added in the Bill general words to provide that where there is any variance between the rules of law and those of equity, and the matter is not expressly dealt with, the rules of equity shall prevail. But there are cases in which I think it desirable at once to legislate—in some respects to declare the law, and in some respects to improve it, by abolishing distinctions which might lead to confusion. The first alteration is a rather important one. It is proposed that in the administration of insolvent estates by the Court after the death of the debtor, substantially the rules applicable to bankruptcy shall be adopted. There seems to be no good reason why the estate of an insolvent debtor should be administered in one way while he is living and in another way when he is dead. The next is in respect of limitation as to trusts, that the statutes of limitation shall not apply between express trustees and *cestui que trusts:* then the distinction between legal and equitable waste is to be done away with. Again, merger by law is not to take place where an equitable interest continues. Mortgagors in possession are to be allowed to sue in their own names. It is proposed to adopt the equitable and not the common law rule as to stipulations in contracts which are in equity deemed to be not of the essence of the contract; to adopt the equitable rule as to liability for misrepresentation; and also to remove certain technical impediments, now existing in equity, in the way of applications for injunctions and the appointment of receivers in certain cases. In respect of collisions at sea it is proposed to adopt, instead of a rule which now holds good in the Court of Admiralty, the rule of common law as to contributory fault or contributory negligence. The rule of law is that if the plaintiff is equally in the wrong he cannot recover from the defendant, and if the defendant is equally in the wrong he cannot recover from the plaintiff. But what the Court of Admiralty does is this—If two ships run into each other and both go to the bottom, as I understand the practice, the Court of Admiralty adds the value of both ships and then divides the total between the two parties; so that if I were the owner of a ship worth only £10,000 and one of your Lordships was the owner of one worth £50,000, you see how ill I should fare in comparison with the owner of the better ship if both vessels went down after a collision. Then, as to the custody of infants and other matters of conflict, not enumerated, the rules of equity are to prevail.

That, my Lords, brings me to what may be called the working machinery of the Bill; and here I find myself in that large region which in the other Bills was left to be defined by Rules to be framed elsewhere. Your Lordships will probably agree with me in thinking it right to give a power to alter hereafter much of what may be here laid down in the Bill — to alter it by Rules to be maturely and deliberately made on due consideration, and after sufficient experience. That may be; but I submit to your Lordships that we should start with a working scheme, and it appears to me to be desirable to do that as far as possible on the face of the Bill itself. In the first place, when this Bill comes into operation—which I propose shall be in about a year after it passes, if fortunately it should pass—and I am sanguine enough to think it will—it will be necessary to deal with the business which will be then pending in the existing Courts. Therefore, we have to consider whether this business should be wound up under the old system or at once transferred to the new, or whether there should be an option in the matter. I have no hesitation in saying that my mind is perfectly clear on that subject. If all existing business were to be wound up under the old system, I do not know when that would be accomplished, and I am quite sure that it would lead to extraordinary difficulty and confusion. For the same reason I do not think it desirable to give any option. But I see no reason why the course which I propose should not be adopted. It is that of simply transferring the business as it may be found to the new Court and dealing with it under the new system. When I suggest that, I do not mean to say that there may not be cases where, some mere formal step only remaining, it would be better to have that step completed under the old system. For instance, if all the arguments in a case had been heard, and only the judgment remains to be delivered, there is no reason why that should not be done under the system on which the proceedings were commenced. And again, there may be cases in which, after judgment delivered, it has to be passed or entered, or otherwise perfected. But, subject to such instances as I have referred to, I propose that all pending business should be at once taken over to the High Court of Judicature and concluded under it, whether by the old or the new machinery, as may be best adapted to the particular case.

Then as to the distribution of business. Here, my Lords, I follow, I believe, closely and accurately the intentions and recommendations of the Judicature Commission. It stands to reason and common sense that some internal division of labour must be made in so great a machine as that necessary for the administration of justice, and that such a division ought to be made in accordance with intelligible rules. Some cases can be conveniently classified and brought together and dealt with by the same Judges; while others may not admit of such classification, and require to be dealt with in a different manner. It is proposed to divide the High Court into four Divisions of five Judges each; and that will leave one Judge not attached to any Division. But, though the Judges will be thus attached to different Divisions, it would be a mistake to suppose that this involves any return to the old system of divided jurisdiction, because every Judge is to be made available for any part of the business of the entire Court, in which his services may be required. The division of the Court into four Divisions is merely for convenience in the arrangement and distribution of business. It is proposed that these Divisions should correspond as nearly as may be with the divisions of the existing Courts; and in the first classification of business any convenient classification now in use may wisely be adopted as an element. I will read to your Lordships an opinion of the Associated Committees of Law Societies, given in February, 1868, and also a passage, bearing on the same point, which I find in the first Report of the Judicature Commission. The Associated Committee said—

> "The division of legal business ought to be by judicial regulation, and not by general law. The general division of legal business effected by the present system is very convenient; and in giving to every Court entire jurisdiction over any matter which may come before it, and in dividing the business of the law by regulation, it is desirable that the work of the Courts shall as much as possible continue to pass through its present channels."

Other gentlemen, of great knowledge and experience, made similar recommendations, and the Commission reported thus—

> "Between the several chambers or divisions of the Supreme Court it would be necessary to make such a classification of business as might seem desirable with reference to the nature of the suit and the relief to be sought or administered therein; and the ordinary distribution of business among the different chambers or divisions should be regulated according to such classification. For the same reason which induces us to recommend the retention for the present of the distinctive titles of the different Courts in their new character, as so many divisions of the Supreme Court, we think that such classification should in the first instance be made on the principle of assigning as nearly as practicable to those chambers or divisions such suits as would now be commenced in the respective Courts as at present constituted; with power, however, to the Supreme Court to vary or alter the classification in such manner as may from time to time be deemed expedient."

My Lords, that recommendation rests on reasonable principles, and what I propose to do in conformity with it is this:—The first Division of the High Court will consist of the present Judges of the Court of Queen's Bench, subject to the necessary arrangements for taking three Judges from the aggregate of the present Courts of First Instance permanently to the Court of Appeal. The second Division will be composed of the existing Judges of the Court of Chancery; the third, of the existing Judges of the Court of Common Pleas; the fourth, of the existing Judges of the Court of Exchequer. The existing Judge of the Court of Admiralty will be a member of the second or Chancery Division of the High Court, and the chief of this Division will be the existing Master of the Rolls. The distribution of business proposed to be made between these Divisions and the unattached Judge is proposed as one to start with, and not as a stereotyped one. It will be subject to alteration, to the power of transfer, and to other safeguards. In the first place, with the exception of the second or Chancery Division, all the Divisions will have those classes of business which are now within the exclusive cognizance of the Courts of which the future Judges of those Divisions are members. Thus, Criminal and Crown business will be in a Division composed of the Judges of the Queen's Bench, Common Pleas business will be in that of the Judges of the Court of Common Pleas, and Revenue business will be in that of the Judges of the Exchequer. As to the second Division, we could not go that length, because if we did so we should be going too far towards the reestablishment of the distinction between the administration of law and equity which we do not want to be acted on longer, except so far as it may in the nature of things be coincident with a convenient distribution of the business. The second Division will hear Admiralty cases, as the present Admiralty Judge will be there, and Bankruptcy cases, as the present Bankruptcy Judge will be there, and also that class of cases for which the Court of Chancery has at present the only or the best available machinery; being all causes, matters, and proceedings for any of the following purposes:—The administration of the estates of deceased persons; the dissolution of partnerships or the taking of partnership and other accounts; the redemption or foreclosure of mortgages; the raising of portions, or other charges on land; the sale and distribution of the proceeds of property subject to any lien or charge; the execution of trusts, charitable or private; the rectification, or setting aside, or cancellation of deeds or other written instruments; the specific performance of contracts between vendors and purchasers of real estates, including contracts for leases; the partition or sale of real estates; the wardship of infants and the care of infants' estates. Your Lordships will see that the business to be so assigned to the second Division may be summed up in the words "administrative business," which requires administrative machinery. Such business should remain where it is, but not without a power to move it elsewhere when there are reasons to make its removal desirable. I mentioned that there will be one Judge not attached to any Division. He is the present Judge of Probate and Divorce, and, of course, he will hear such cases as are now heard in his Court. This distribution of business, alterable by rules, is subject to the additional safeguard that, in cases not expressly provided for, any suitor will have the right to choose where he will bring his action; in what Division, and in cases where suits are decided by a single Judge, before what Judge. But some of your Lordships may suggest that perhaps, through ignorance on the part of the suitor, or from some other cause, the action may have been begun in a wrong Division, and then what is to be done? Why, the suitor will not lose his cause—it will simply be removed into the right Division, and the proceedings will be taken up at the point to which they had arrived at the time of transference. There will also be power to transfer any case from one Division to another, or from one Judge to another, in consequence of the nature of the case or because of litigation going on elsewhere, or for any other reason which may make such transfer desirable.

I come now, my Lords, to the next point, which relates to the sittings of the Court. With respect to sittings, it is proposed that when the Bill comes into operation all cases which are now heard before a single Judge may still be heard in that way. The effect of that will be this:—In the second Division, in which the Judges will be the Chancery Judges, the Admiralty Judge, and the Bankruptcy Judge, the business will, as it always has been, still be conducted before a single Judge; and, on the other hand, in the other Divisions, as to all business which has usually been transacted before more than one, arrangements will still be made for a plurality of Judges. These Judges will constitute what are called in the Bill Divisional Courts. The Bill proposes that the number of Judges to sit in any such Divisional Court should be three. That number, I believe, will be as great as is necessary, while a larger number would involve a waste of power, which it is very desirable should be otherwise utilized. A still further reason for not increasing the number is that to do so would be to augment the difficulty which sometimes arises in determining where the preponderance of authority lies; as, for instance, when the decision of a Court consisting of five Judges is overruled by a Court of Appeal consisting of three. Besides, by limiting these Courts to this number, you would, if necessary, be able to have as many as seven Divisional Courts sitting contemporaneously; and every Judge not wanted in a Divisional Court will be available for those parts of the business which are to be transacted by single Judges. The class and kind of business which is to be transacted by these Divisional Courts will be that which has been hitherto done by Full Courts in the Courts of Common Law. Power will be given to have such Divisional Courts, whenever it is thought desirable, in the second or Chancery Division, and also for the purpose of Probate and Divorce business. All appeals from Inferior Courts are to be taken to Divisional Courts of three Judges; and it is proposed that cases, and points of law may be stated, or reserved, by single Judges, for their determination.

I now come to the subject of trial. It is proposed to retain trial by jury in all cases where it now exists, except in one particular. Your Lordships know that there is a class of cases which the parties may take to the Assizes, and in some instances must take there, and which are yet totally unfit to be tried by a jury at all. The result is that the parties are compelled to take such cases out of Court and submit them to arbitration; and as no provision has been made by law for the conduct of these arbitrations, the consequence is that very great expense frequently arises out of them. It was a very valuable recommendation of the Judicature Commission that public officers, to be entitled "official referees," should be attached to the Court, to deal with cases of this kind, and to whom such cases should be sent at once without the useless and expensive form of a jury trial. The Bill proposes that such cases should be sent to reference, even if the parties do not consent, and it also provides for the appointment, where the parties may desire it, of special referees. The proposal of the Bill is that they shall determine all questions of fact or account, leaving questions of law to be determined by Divisional Courts. I venture to think that will be found a valuable and important provision. Continual sittings in London are to be provided for, and the Assizes will go on as usual—the Bill contains no provision for any present alteration of Assizes or Circuits.

There is another point I will mention, and that is as to the time and place of the proceedings in the Court. The present useless division into terms—a division which, while doing no good, is not altogether inoperative for inconvenience and mischief—the Bill proposes to abolish. As an example of the inconvenience resulting from this division I may cite a recent instance. Your Lordships know that in October or November last year a magistrate reserved a question on the Parks Regulation Act for the determination of a Court of Law. Some time later another person was charged before another magistrate with infringing the Act: after the action of his brother magistrate the second magistrate was unwilling to convict until after the point had been determined. The question arose in November; and as Michaelmas term had run out before the point could be argued, nothing could be done till term again commenced, which was not till the 11th of January in this year. That portion of the law was therefore practically in suspense, owing to the existence of terms, from the latter part of November till the middle of January. It is proposed to abolish term altogether, and also to give to the Courts full discretion as to the place at which an action is to be tried.

I now come to the important question of Procedure. It was thought by some to be a considerable defect in the Bill of 1870, that it left the whole question of rules and procedure to be determined afterwards by extrinsic authority. In the main, Rules of Procedure must be so determined. At the same time, nothing is more important than to have a good start; and profiting by the discussions of 1870, my predecessor obtained the assistance of some eminent members of the Judicature Commission, who drew up a series of Rules embodying the recommendations of the Commission on that subject, which since they were first framed have been further considered and revised; and those Rules will be found in the schedule of the Bill. I may say, generally, that they cover all the main points of Procedure, and their object is to get rid of long and expensive pleadings, to establish a single uniform system, to constitute the means of giving a decision when there is no practical defence, and in many other respects to introduce useful improvements. There is another subject with which I have attempted to deal, and its object is to remove what for 20 years and more has been represented as a grievance by solicitors of Liverpool and other large towns. Those gentlemen have constantly urged that, to make such a measure perfect, means should be given, subject to the control of the Court, to take formal proceedings, such as suing out writs, and the like, in local registries in the country. This suggestion I have endeavoured to meet; and, in effect, all country registries over which the Court will have control under this Bill will be made available for that purpose. In many cases, I believe, the result may be the saving of much expense. Of course, all the officers of the existing Courts will be carried over, and powers will be taken for the distribution of the work among them. The Rules, however, relating to Procedure do not profess to be a perfect code—they will require to be supplemented; and it is proposed, that between the passing of the Act and its coming into operation, Her Majesty, with the advice and assistance of the principal Judges of the different Courts, shall supplement these Rules by Order in Council, so that they may form as complete a system as possible. Powers, of course, will also be taken to alter them afterwards from time to time as may be deemed necessary. It is proposed that once at least in every year all the Judges should meet together to review the operation of the system, whether in regard to Rules made by their own authority or by that of Parliament. That is a matter which the Lord Chief Justice, in a publication on the subject, states to be of great value and importance, and I hope it is provided for in this Bill in a manner both practicable and useful. It is proposed that these Rules shall be subject to the approval of Parliament, but that their operation shall not be suspended until that approval is signified. Of course, if an Address is agreed to by either House against any Rules, their operation will from that time be suspended. It is proposed that Her Majesty shall be empowered to enlarge the jurisdiction of any Inferior Court if she should think fit, so as practically to enable them to administer a system of combined law and equity, according to the same Rules as those which are to govern the Superior Courts; and wherever there is found in any existing Court an equitable jurisdiction, or an Admiralty jurisdiction, it is to be exercised in such a manner that there will be no difference between the law upon an appeal brought from the Inferior Courts, and the law of the High Court itself.

My Lords, I now come to the subject of the Appellate Jurisdiction. I do not propose to deal by this Bill with the appeals from Scotland or Ireland. Those countries have each their own system of jurisprudence and judicature, with which, so far as their original jurisdiction is concerned, this Bill does not in any way deal. Furthermore, the evidence given before your Lordships' Committee last year by gentlemen conversant with the practice of appeals from Scotland was to the effect that no change was desired in that country. I think the views entertained by the people of Scotland on this subject are entitled to very great respect; it would be an unwise and unnecessary thing to propose changes applicable to that country which the public opinion of that country does not require. As to Ireland, there was also no evidence that any change was wanted. I do not, of course, conceal from myself that if you establish in England a thoroughly good appellate jurisdiction, and find that it works as we hope it will work, opinion both in Scotland and Ireland may probably hereafter tend to the application and adoption of the same system in those countries. But I am perfectly content to wait, and not to anticipate the time. All I propose is that, in the constitution of the Court of Appellate Jurisdiction, we may make it possible to have the services of eminent Judges who have served in Scotland and Ireland.

I will now remind your Lordships of the present state of the appellate jurisdictions in this country. We have four Courts of Review—the Exchequer Chamber, the Court of Appeal in Chancery, your Lordships' House, and the Judicial Committee of the Privy Council. These Courts give to the dissatisfied suitor, in most, although not in all cases, the opportunity of a double appeal. In Admiralty cases there is only one appeal—to the Judicial Committee of the Privy Council. In Lunacy cases also there is only one appeal—to the Judicial Committee. But all the cases in the Superior Courts of Common Law, which are brought by Error to this House, must go through a double appeal. They must first go to the Exchequer Chamber, and in every case where an appeal is taken to the Exchequer Chamber it may also be brought to this House. It is not so in Chancery. In Chancery cases there is an option generally for the appellant either to come at once to this House or, if he prefers it, to the Court of Appeal in Chancery; but every judgment of that Court is subject to an appeal to this House. Therefore, there is generally a system of double appeal for the suitor. I have never concealed my opinion that this is not a good system. If you have a good Court with sufficient judicial power to command the confidence of the country, it is better that there should be no double appeal. I would not exclude the power where you have an appeal heard by a small number of Judges of having it reconsidered by a larger number of Judges. But my opinion is that if you establish an adequate Court, it is desirable for the parties and for the general interest of the country that the decision of that Court should be final, and that you should not multiply appeals. You never can escape, by going through any number of Courts of Appeal, from the risk of differences of opinion in each and every one of them, and from doubts arising as to whether the last Court decided better than those before it. What you want is to make as good a Court as possible, and to give it all the power and authority you can, and that, in my humble judgment, is best accomplished by making it final. I will now briefly review the results, upon this subject, of the useful discussions of the last few years; and I hope your Lordships will pardon me if I first ask permission to read a passage from a speech delivered by myself in the House of Commons six years ago, when I moved this question. Your Lordships will, at least, see that the opinions which I now express on this subject are not newly formed, and that they are indeed the same that I expressed at that time. Addressing the House of Commons on the 22nd of February, 1867, I said—

"I will venture to state what has occurred to me as the best way of meeting all these difficulties, before I say a word on the most difficult portion of the subject, relating to the august tribunal of the House of Lords. Taking the three Courts I have mentioned alone—the Court of Error in the Exchequer Chamber, the Court of Appeal in Chancery, and the Judicial Committee of the Privy Council—I am of opinion, if the House agrees with the view I have expressed, that one Court of Appeal is sufficient —that out of the Court of Appeal now existing in the Judicial Committee of the Privy Council you might, with some additions, form a most admirable Supreme Court of Appeal, capable of discharging the whole of the business which is now done by that Court and also by the Courts of Exchequer Chamber, and of Appeal in Chancery. The constitution of the Judicial Committee of the Privy Council is most excellent, as far as it goes. I have no hesitation in saying that that Court, powerfully constituted, with a sufficient number of Judges to render it capable of subdivision, and comprising men conversant with different kinds of law—Common Law, Equity, and, it might be, Scotch law, as well as Colonial and Indian law—would be able to dispose of the appeals most beneficially to our jurisprudence, with great satisfaction to the country, and at no very great additional cost. You might have the Lord Chancellor, though, if the House of Lords retained its appellate jurisdiction, he would be required there frequently. You might also have the Lords Justices, and all the other eminent persons now constituting the Judicial Committee of the Privy Council. You might have two or three other permanent Judges with proper salaries, chosen with reference to qualities which are not ordinarily to be found in the Judges of the Court of Chancery. . . . . Some such measures as these have been suggested by high authority, as necessary to maintain in efficiency the Judicial Committee, even for its present purposes. I venture also to think that those who may hereafter fill the high office of Lord Chancellor might, considering the circumstances which often deprive the country of their services in that office, be called upon, *ex debito*, in consideration of their pensions (which are ample, though not too great), to give their services in the Supreme Court of Appeal, as they now voluntarily give them, from a sense of public duty, in the House of Lords. It would be thus quite practicable to form such a Supreme Court of Final Appeal as might unite the various jurisdictions now exercised by different Courts; and then I should certainly recommend that the Court should assemble in the same place as the other Law Courts—in the future home about to be provided for justice in the neighbourhood of those who practise the law, and not, as the Judicial Committee now does, in such an inconvenient place as the Privy Council Office in Downing Street. I do not conceive that there would be any constitutional objection, resulting from the relation of the Colonies to the Crown, to giving such a Court jurisdiction over Colonial and Indian appeals, because its Judges might be, and in practice would be, Privy Councillors, and, being so, would be qualified to advise Her Majesty on all matters of that kind."—[3 *Hansard*, clxxxv. 857.]

My Lords, in reading this passage from my speech delivered six years ago, I desire to prove to you that I have not now arrived at a new conclusion: and if in what I now propose I seem to ask your Lordships to relinquish some part of your judicial authority, I hope your Lordships will feel persuaded that this does not arise from a disposition on my part to take anything away from the dignity and importance of your Lordships' House. Independently of my being the youngest Member of your Assembly, my own constitutional principles have always made the honour, the dignity, and the constitutional power of this House, most dear to me; and there is not a man in it who would be more unwilling to do anything to derogate from the dignity of your Lordships' House in any respect whatever. I ought almost to apologize for saying this, because I do not think I can possibly be mistaken in the conclusion I have arrived at, that your Lordships to a man will be at one with me on this point. Your Lordships can have no privilege—no notion of artificial dignity or importance—which you would desire to stand in the way of the due administration of justice. The name and shadow of the appellate jurisdiction of this House is utterly unimportant, unless it can be shown that the substance of that jurisdiction ought in the public interest to be maintained. I feel assured that I rightly interpret your Lordships' opinion, judging from what has occurred in this House, when I say that your Lordships long ago came to the conclusion that any improvements which can on solid grounds be shown to be desirable your Lordships will willingly make, although they may involve some diminution of the exercise of judicial power in the name of the House. At the same time, I agree that all proposals of this nature should be carefully scrutinized by your Lordships, and I am most willing that those I now submit to your Lordships should undergo the strictest examination. The various proposals, which have been made in former years, have all really tended in the direction in which I shall ask your Lordships to proceed. The scheme proposed in the first Report of the Judicature Commission did not and could not deal with any matter affecting your Lordships' jurisdiction, except in an imperfect and incidental way. I am about to propose something which goes beyond their recommendations: but it must always be remembered that it has been my duty to endeavour to deal with the whole of this subject, whereas it was not in their power to do so. Their first Report proposed that a Court of Appeal should be constituted, with an ulterior appeal under certain limitations to this House, consisting of the Lord Chancellor, of the Lords Justices of Appeal in Chancery, of the Master of the Rolls—who would have been removed entirely from the Court of First Instance — of three other permanent Judges, and of three Judges of the Supreme Court—Judges of First Instance—to be annually nominated by the Crown—forming a Court of fifteen Judges altogether. As far as number is concerned that would have been a Court of considerable power. I do not propose, however, in the constitution of the Court of Appeal which I shall recommend to your Lordships, to follow exactly that proposition, for I confess I concur generally in the opinions expressed by the Lord Chief Justice of England in 1870 as to that proposal of the Judicature Commission. His Lordship thought that two parts, at all events, of that proposal were open to objection. In the first place, the Lord Chief Justice thought that if any Judges of the Courts of First Instance were taken into the Court of Appeal they should be the principal and not puisne Judges of the Superior Courts. Again, his Lordship thought that a rota or change of the Judges in the Court of Appeal was not a desirable thing. My Lords, I confess that, after due consideration, I concur with the Lord Chief Justice on these points. His Lordship stated in 1870 his own view of what would be a good constitution of the Supreme Court of Appeal, and as what I shall actually propose agrees substantially with the spirit of his propositions, it may not be altogether a waste of your Lordships' time if I remind you what those propositions were. He proposed that there should be five *ex-officio* and six ordinary Judges in the Court of Appeal—the *ex-officio* Judges being the Lord Chancellor, the Master of the Rolls, and the three Chiefs of the Common Law Courts. So far, my Lords, I propose exactly the same thing. Then his Lordship proposed that there should be six other Judges—three intended to represent the Equity and three the Common Law Courts. In 1871, after further consideration, his Lordship suggested some variation of that scheme, though still retaining the same general features. He said—

> "The scheme for the creation of a new Appellate Judicature, which, after much reflection, I would submit for consideration is this:—I would have but one Court. It should consist of—1, the Lord Chancellor; 2, such members of the House of Lords, having held judicial office, as should give notice to the Lord Chancellor of their willingness to serve as Judges of Appeal; 3, the Lord Chief Justice of England, the Master of the Rolls, and the two Lords Presidents of Divisions of the High Court of Justice; 4, four Lords Justices of Appeal. Thus there would be from eight to nine regular Judges, independently of the Lord Chancellor and the Presidents of the High Court of Justice."

There is a very close approximation between that scheme and the one I am about to submit to your Lordships' consideration. In 1872 the question was brought forward again, and Lo[illegible] Hatherley at that time suggested a scheme for dealing exclusively with the business which now comes to your Lordships' House and the Judicial Committee of the Privy Council. He proposed to make a Statutory Court, consisting of the Lord Chancellor, five salaried Judges, and the following *ex-officio* Judges—namely, all former Lord Chancellors, the three Chiefs of the Courts at Westminster, the Master of the Rolls, the Lords Justices of Appeal in Chancery, the Judge of the Admiralty Court, and the Judge of the Probate and Divorce Court. I take the scheme in the shape it finally assumed in Lord Hatherley's hands; but it is to be observed that it did not deal with the jurisdiction of the Exchequer Chamber or the Court of Appeal in Chancery;—and I think it would have been a circumstance to be regretted if, having such a strong Court, it could only have been approached through the Courts just mentioned. The alternative scheme proposed in your Lordships' Committee by my noble and learned Friend now sitting on this side of the House (Lord Cairns), and which that Committee adopted with some little change, was that the jurisdiction of the two final Courts of Appeal should be exercised by a Court consisting of the Lord Chancellor, four salaried Judges, and the following *ex-officio* members:—all who had been Lord Chancellors or Judges of the Superior Courts in England, Scotland, or Ireland, the three Chiefs of the Superior Courts at Westminster, the Lords Justices of Appeal in Chancery, the Judge of the Court of Probate and Divorce, and the Judge of the Admiralty Court. And then came the question what was to be the relation of those Judges to your Lordships' House? It was proposed that they should be judicial Peers, not having power to sit or vote upon any but judicial business. My noble and learned Friend felt it was desirable to retain their assistance in Committees on claims to Peerages, which were substantially judicial business, and also in cases of impeachment, which is in a high sense judicial: but to this enlargement of their powers the Select Com[illegible]ttee did not agree. Whateve[illegible]ordships' said of either of these [illegible]w an impediment thing is clear—it w[illegible]taining the assist[illegible]rt of the judicial Mem-the House of Lords that would have exercised the jurisdiction conferred by such a measure. The conclusions I have arrived at from all this evidence are two. First, it is felt that, for the purpose for which it at present exists, so far as relates to English appeals, your Lordships' jurisdiction is not, and can hardly be made, satisfactory or sufficient without changes which would practically deviate from its nominal principle, and make it cease, even more than it has ceased already, to be really the jurisdiction of the House of Lords. Secondly, it is agreed, that the best mode of forming a great Supreme Court of Appeal would be to form it of some such elements as are indicated by the schemes I have referred to. I would form, of such elements, as part of the Supreme Court of Judicature, the Court of Appeal which I propose. So far as relates to England, I propose that its decisions shall be final. I do not propose to connect it, even nominally, with the House of Lords; but I do propose, with the help and assistance which I have no doubt the Crown and the country will receive from those eminent Members of your Lordships' House who have so long and with such great ability administered the jurisdiction exercised in its name, that there shall be the same substantial connection between the Court which I recommend your Lordships to establish and the House of Lords, which there is now between the House of Lords and the administration of justice; that is to say, that those ornaments of your Lordships' House who have risen to their position here by eminent services in the administration of justice shall continue, if they are willing—as I have no doubt they would be—to render like service in the Supreme Court of Appeal, though it be called by a different name. I wish to justify what I have said, and what I now propose, by reading a few more words from the opinion of the Lord Chief Justice of England, laid upon your Lordships' Table in 1871. Speaking of the scheme he was then asked to consider, he said—

> "The scheme for the creation of a new Appellate Jurisdiction appears to me to labour under the radical defect that it is founded on the basis [illegible] retaining the jurisdiction of the House of [illegible] Surely the time has come when the House [illegible] be asked to give up a jurisdiction [illegible] name, which the House itself [illegible] ise, and which, although [illegible] eality, committed to three or four Law Lords. It may be hoped that, in furtherance of the public interest, the House would, without any great difficulty, be induced to part with so shadowy an authority."

I think this is also the opinion of very many others who have considered the subject, as I hope I have done, not only with a desire to do the best that can be done to improve the administration of justice, but with an equal desire to show deference to your Lordships' House and to uphold your Lordships' real authority. The constitution of the Appellate Court I propose is this. As the Lord Chief Justice suggested in 1871, I propose that there shall be five *ex-officio* Members — the Lord Chancellor, who shall be the head of the Court, and the heads of the four Divisions of the High Court—namely, the Lord Chief Justice of England, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron. In that way there will be a representation of the Court of First Instance, in the persons of the principal Judges, who will also belong to that Court. In addition, I propose there shall be a number, not exceeding nine at any one time, of ordinary Judges, who, in the first instance, will be obtained in this way:—The two present Lords Justices of Appeal in Chancery, the four salaried Judges of the Privy Council, who were appointed under the recent Act in the contemplation of a future Court of Appeal, and three Judges to be transferred from the present Courts of First Instance, who are permanently to serve in the Court of Appeal. I need not say that whatever Government may have to carry out such a measure would endeavour to select from the Courts of First Instance some of the most able and experienced Judges. The reason for fixing the number at nine is this:—The Acts under which the three Election Judges and the four Privy Council Judges are appointed are not permanent Acts; and, as to the Privy Council Judges, any power of appointing an additional Judge would, in the natural course of things, cease this year. It was not contemplated that so large a number would permanently be required: and, as this may well happen also with the new Court of Appeal, it is thought right not to make nine an inflexible number, though at present it is desirable to take advantage of the existence of these Judges. In addition to these *ex-officio* and ordinary Judges, it is also proposed that Her Majesty shall have power to appoint as additional Judges of the Court of Appeal any persons who have filled any judicial office in England which would qualify them to be Members of the Judicial Committee of the Privy Council, or who may have filled the offices of Lord Justice General or Lord Justice Clerk in Scotland, or Lord Chancellor or Lord Justice of Appeal in Ireland. Such appointments would be made with their own consent, and not otherwise. I hope and believe that those who have discharged the duties which would qualify them, and who have strength to enable them still to render useful service, would not refuse to give their assistance in the new Court of Appeal as additional Judges. I should not myself stand here to ask your Lordships' assent to such a proposal, without being ready myself to serve in such a capacity, if Her Majesty should think me worthy of the honour, when I cease to be Lord Chancellor. That is the proposed constitution of the Court of Appeal. It is proposed that its decisions shall be final, and that the only appeal from the High Court shall be to that Court. It is proposed at once to transfer to it the Admiralty and Lunacy appeals which now go to the Privy Council; and it is proposed to enable it to sit in divisions, with not fewer than three Judges in each, so that it may overtake and dispose of all the business. However great it may be, such a number of Judges will doubtless be able to transact it. The Judicial Committee of the Privy Council remains; and with respect to it, the only constitutional point to be borne in mind is this:—Appeals from the Colonies and from India go to Her Majesty in Council, and it has always been the custom for the decrees and orders of the Court to be issued in Her Majesty's name, the assent of Her Majesty being given in Council. But Parliament has passed Acts regulating these appeals, so far as relates to the hearings; and there is no part of Her Majesty's foreign possessions in which any exception has ever been taken to the regulation of these appeals by such Imperial statutes. What I propose in this Bill is not at once to remove the appeal business of the Judicial Committee to the new Court—because it might possibly be thought reasonable to see the working of the new Court for a short time before that is done; but since this jurisdiction, in a constitutional point of view, is with the Queen in Council, it appears to be an unexceptionable mode of proceeding to empower Her Majesty, if she think fit, to transfer the appellate jurisdiction now exercised by the Judicial Committee, in other than ecclesiastical causes, to the new Court of Appeal. I do not propose to touch the subject of ecclesiastical jurisdiction; it is one *sui generis*, standing apart, and the prospect of passing this measure would not be increased by any needless interference, on my part, with ecclesiastical jurisdiction. The Judicial Committee will remain to advise Her Majesty upon any non-judicial questions which may be referred to it; and, as far as my proposition goes, it will remain to determine ecclesiastical appeals under the present law. If Her Majesty should exercise the power which I shall ask the House to confer upon her, all the other judicial business of the Privy Council would be transferred to the new Court of Appeal. It is convenient it should be so; because if we are to have the services of these four Judges appointed for the business of the Court of Appeal, it is manifest we must provide, in the first instance, for the discharge by them of those duties for which they were specially appointed to the Judicial Committee, and the two systems will be most conveniently combined if we have the whole business brought together. Furthermore, the provision made by the appointment of these four Judges for the judicial business of the Privy Council is only a temporary provision; and unless Parliament should think fit to amend the Act of 1871 by giving additional powers to Her Majesty to provide for that business, it must soon fall into its former condition, and necessitate fresh legislation.

I propose this scheme in the sanguine hope that it will recommend itself to your Lordships' judgment. Before I close my remarks on this subject, I wish to mention one other consideration which operated in my mind against giving a second appeal to this House over and above the general objection to a second appeal. One effect of giving an appeal, under whatever conditions, from this Supreme Court of Appeal to your Lordships' House, would be to throw an impediment in the way of obtaining the assistance in that Court of the judicial Members of your Lordships' House. If it is—as it surely must be—a very important object to have the services of those who have filled high judicial office and are Members of your Lordships' House available to the Supreme Court of Appeal in great and important cases, this is a strong reason against giving, in the same class of cases, an ulterior appeal to the House of Lords. For these reasons I hope your Lordships will be willing to entertain the proposals I have made on that subject.

Perhaps, before I conclude, your Lordships may think it right that I should say one or two words on a topic which, however, rather belongs to the other House of Parliament—I mean the financial part of the arrangements. As the scheme is proposed it will not throw any new charge on the country—it will rather result in some eventual saving. Of course, it will not interfere with the pecuniary rights of any existing Judges. With respect to the future Judges, the Chief Judges will receive the same salaries as at present—places of great dignity and the great prizes of the law are not so numerous as to make it desirable that they should be materially reduced. In other respects it is proposed to retain the existing scale of salaries, both in the High Court, and in the Court of Appeal; with this exception—that, instead of £6,000 received by the Lords Justices, their successors in the Court of Appeal will receive only £5,000. The future salaries in that Court, except in the case of the *ex-officio* members, will be on one uniform scale of £5,000 per annum. I know that persons of great authority have recommended that Judges of Appeal should receive higher salaries than the Judges of First Instance, on account of the greater dignity of their office. But, if the office of a Judge of Appeal is one of superior dignity, that very circumstance will make it more desirable without any difference of salary, unless it is also one of greater labour: which it certainly will not be. However, the emolument of the Judges is more a question for the other House than for your Lordships' consideration. It is also proposed, that in future the pensions of the Judges shall be one-half the amount of their salaries. There will be no difference made in the present amount of pension paid to the Lord Chancellor, if serving in the Court of Appeal, or of the Lord Chief Justice, and but little in those of the Chief Justice of the Common Pleas and the Lord Chief Baron; but there will be some considerable difference in those of future puisne Judges. These are the provisions I have thought it right to explain affecting the financial part of the scheme.

And now I have to thank your Lordships for the patient manner in which you have listened to the long statement I have felt it to be my duty to make; but I cannot conclude without saying that I feel I do not deceive myself when I state that I believe my plan will receive at your Lordships' hands careful consideration, with every disposition to give effect to it; and no one will be more ready than I shall be to receive suggestions for improving it. And I entertain a sanguine hope, that with such improvements it may pass into law.

The noble and learned Lord then *presented* a Bill for the constitution of a Supreme Court and for other purposes relating to the better administration of Justice in England, and to authorize the transfer to the Appellate Division of such Supreme Court of part of the jurisdiction of the Judicial Committee of Her Majesty's Privy Council.

LORD CAIRNS: My Lords, in the very few observations which I propose to offer to your Lordships at this stage of this Bill, I must commence by offering to my noble and learned Friend on the Woolsack my most sincere congratulations upon the extremely lucid and exhaustive statement we have just heard. There is no subject upon which the great abilities and vast experience of my noble and learned Friend could be more worthily occupied than this, and I am certain that his ability and experience have been occupied on it in a manner worthy of the subject. As regards the greater part of the measure which my noble and learned Friend has described, I have very little indeed to say, except to express my entire agreement with his propositions. The greater part of his Bill may be described as occupied with two great subjects, the consolidation into one Supreme Court of all the Superior Courts of this country, and the fusion of the two systems of Law and Equity. My noble and learned Friend was perfectly correct in saying that on these subjects the recommendations of the first Report of the Judicature Commission, upon which no Member took a more active part than my noble and learned Friend, were clear and distinct. I am glad that my noble and learned Friend has followed those recommendations. He said, indeed, that the credit of a measure of this kind did not belong to the person who introduced it, but to those who had previously made attempts or recommendations on the subject. There I do not quite agree with him. It was easy, comparatively, to make the recommendations the Judicature Commission made; but I know from experience and some acquaintance with the subject how difficult it is to put such recommendations into the form of a Bill. The Bill which passed your Lordships' House in 1870 did little more than sketch out or indicate the manner in which this great work could be accomplished, and it was for that reason that while I myself assented to that Bill I did so only in the hope that it would elsewhere be supplemented by provisions it did not contain. The proposal of my noble and learned Friend is entirely free from those defects. I would only make one further statement on this part of the subject. I must say that I think my noble and learned Friend is quite right in coming to the conclusion that it is impossible in the fusion of Law and Equity to abolish entirely the distinctive names of Law and Equity. In Equity we have a series of legal principles and enactments dealing with specific classes—of cases where there is no collision or conflict between the principles of Law and Equity—and therefore my noble and learned Friend has exercised a wise discretion, while consolidating the Supreme Courts, in keeping up the distinctive names, and providing a corresponding distribution of business. My noble and learned Friend appeared to hope if this Bill became law that it might be brought into operation some 12 months hence; but there will be some difficulty in that. It appears to me that it will be utterly impossible to work the system which my noble and learned Friend has described unless you can have all your Courts together under one roof; and, looking to the desolate aspect of matters near Temple Bar, I fear the great work of my noble and learned Friend is not so near its accomplishment as his sanguine hopes would lead him to anticipate. My noble and learned Friend proposes to put an end to the local jurisdiction of the Chancellor of the Duchy of Lancaster. I think that quite right. But, my Lords, satisfaction will not be given to great centres such as are to be found in Lancashire, unless much larger provision be made for bringing the administration of justice by the Superior Courts nearer to their homes than at present. Whether this should be done by more repeated circuits or by the constitution of permanent branches of the Superior Courts in those centres, I am not prepared to say; but I hope some means will be found of supplying this largely felt want. As regards the Court of Appeal, in providing for the appellate jurisdiction of the new Court, my noble and learned Friend has acted most wisely in not including in his proposals the appeals from Scotland and Ireland. I strongly objected last year to the Bill of my noble and learned Friend Lord Hatherley, because, in the face of the satisfaction felt by Scotland and Ireland with the present appellate system as applied to those countries, it was proposed to hand over the jurisdiction of this House to what would seem to be a municipal Court of England. My noble and learned Friend has wisely avoided that objection. So, also, I am glad my noble and learned Friend, in regard to appeals from the Colonies, proposes to retain what to our colonists is much more than a matter of form, and is really a matter of substance and reality — I mean the appeal to Her Majesty in Council. Our colonists attach the greatest importance to the fact that they carry their appeals to the foot of the Throne, and receive from the Throne the order which is made on the appeal. I believe that to many of the subjects of the Crown in our Colonies, that mode of appeal forms one of the great bonds of connection between the Mother Country and the Colonies. By what advice the Crown is guided in making the orders is a matter of less moment, and I conceive it is not at all a violent change to give power to the Crown to take the advice of a Court constituted as my noble and learned Friend proposes to constitute this Appellate Court instead of the advice of the Judicial Committee of the Privy Council. As regards the Colonies, I may say generally that the scheme of my noble and learned Friend is a great and substantial improvement upon the Bill of last year. My noble and learned

Friend, when dealing with the appellate jurisdiction of this House, did nothing more than justice to your Lordships when he said your only desire was to seek the public good. The great danger, in my opinion, has always been that some of your Lordships would be tempted to part with your appellate jurisdiction too easily. The English appeals are not very numerous—they rarely amount to more than 20 in the year, and therefore may be regarded as a very small part of the question. I have always been of opinion that the Judicature Commission adopted the right course with regard to appeals. It is quite true that they had no question referred to them with regard to the appellate jurisdiction of this House. They proposed to build up improvements on the present Courts, and their first object seemed to be to make the primary and the intermediate Courts as strong as they possibly could. They then said that as soon as your Appeal Court has gained possession of public confidence you may consider whether you should not make its decisions final in all cases. The Commissioners recommended that the appeal should be made final in certain cases only; they recommended, for instance, that the appeal should be final when the decision of the Judges was unanimous, and that there should not be an appeal except when the Judges differed, or when special leave had been obtained; and they thought that the right of appeal should be given only in cases where the value of the property amounted to a certain sum; and that in any case security for costs should be given. I agree with the lines adopted by my noble and learned Friend. My only doubt is whether he has not gone too far. I will tell your Lordships why. Now and then cases arise affecting very large interests; I could name many involving the transfer of very large estates, and I would judge the system of my noble and learned Friend by such cases. It is proposed by the scheme before us to have a Primary Court of one Judge or three, and a Court of Appeal consisting of three Judges. [The Lord Chancellor: Three or more.] Practically three Judges will be the ordinary number, because it would not do to have an even number, and five could seldom be secured. Now, observe. The Primary Court may decide one way and the Appellate Court another. Suppose the Primary Court decide unanimously and the Appellate Court differ; a majority of 2 to 1 would reverse the decision of the three Judges of the Primary Court. The result in this case would be that two Judges would reverse the decision of four, and from their decision there would be no appeal. Suppose the Primary Court consisting of three decide one way by a majority of 2, and the Appellate Court decide the other way by a majority of 2, we should have two Judges against two and no appeal. Such a system could not be satisfactory to the country. Suppose, too, you have in some cases stronger men in the Primary Court than in the Appellate Court, the strain upon the system would be too great—greater than it could bear. It is extremely plausible to say there shall be only one appeal, but I doubt whether the principle is quite sound. Great injustice may be done if the single appeal is insisted on; and it must not be forgotten that a third Court has great advantages over a first Appeal Court. The arguments to be submitted to it are more matured and better understood, and the judgments of the Judges are considered side by side and can be corrected. I am not ignorant of the danger of multiplying appeals; but my objection is that you may go too far in the other direction. I think, therefore, it would be better that there should be no appeal from the Appellate Court when there was unanimity among the Judges, but that there should be an opportunity of appeal when there was a division of opinion. I merely throw out this suggestion for my noble and learned Friend's consideration. From what I have said already, your Lordships will understand that I hail with great pleasure and satisfaction the general provisions of the measure of my noble and learned Friend, and I must heartily wish him success in his endeavour to carry it into law.

The Earl of CARNARVON said, it would be presumptuous in a layman to attempt to criticise the scheme which had been introduced that evening with so much ability by his noble and learned Friend. Without, therefore, referring to the main details of his noble and learned Friend's scheme, he should be glad to say a word or two upon two points. His noble and learned Friend proposed, if he understood him aright, to leave the Appellate Jurisdiction of the

House of Lords so far as it related to Scotch and Irish business exactly in its present condition, but that a change was to be made with reference to English business on account of some shadowy and invisible connection which his noble and learned Friend supposed to exist between their Lordships' House and the Courts from which the appeals came. His noble and learned Friend had referred to this part of his scheme as if some such connection really existed; but, with all due deference to his noble and learned Friend, he ventured to think that the connection was merely an idea, and that, to use his noble and learned Friend's own language, it was a mere shadow of a shade. The other point related to the salaries of the Judges, which, if he correctly understood his noble and learned Friend, were to be subject to some reduction. He, for one, viewed any such proposal with the greatest possible jealousy, especially if it was to take such a form as that which had been adopted, or which it had been attempted to adopt, last year.

THE LORD CHANCELLOR explained that, under the present system the Lords Justices of Appeal received £6,000 a-year, and as it was not intended that the salaries of the remaining Ordinary Judges should be raised to that amount, the result of equality among them would necessarily be a future reduction, in those two instances. He ought also to add that the salary of the Judge of the Admiralty would be increased, and made equal to the salaries of the rest of the Judges of his Division of the High Court.

LORD REDESDALE hoped that the House would formally delegate its jurisdiction as a Court of Appeal to properly appointed members, instead of tacitly renouncing its functions as far as their general body was concerned in the manner at present adopted. That was the ancient practice, and to this day the old form of appointing certain Lords to be Triers of Petitions was kept up at the commencement of every new Parliament; and it would be expedient to make it a reality with a Standing Order that no noble Lord should take part in determining appeals and reporting their decision to the House, except those specially appointed.

Bill read 1ª; and to be *printed.* (No. 14.)

THE ENDOWED SCHOOLS COMMISSION.

QUESTIONS.

THE MARQUESS OF SALISBURY, in asking the Lord President what course the Government intended to take with reference to those schemes of the Endowed School Commissioners which had not lain for 40 days on the Table of the House at the time of the Prorogation, said, some difference of opinion existed as to the fate of these schemes. One opinion was that if they had been laid upon the Table of the House, even on the last day of the Session, the 40 days would run on during the Recess; the second, that what was left uncompleted of the 40 days during last Session would be completed during the present Session; and the third was that the prorogation in this, as in all other cases, put an entire end to the action of Parliament. He wished to impress on his noble Friend the danger of being entirely guided by the opinion of the Law Officers of the Crown, unless that opinion was supported by some decision. He was willing to allow that the Law Officers were as nearly as possible infallible; still they were not always so, and if they should prove to be so in this instance the result would be very serious in cases of large transfers of property. He trusted, therefore, that his noble Friend would take the safe course of allowing these schemes to lie upon the Table during 40 days of the present Session.

THE MARQUESS OF RIPON said, that as the end of last Session approached, his right hon. Friend (Mr. Forster) and himself felt bound to take no course which could deprive Parliament of jurisdiction in this matter, and so, after a certain day, they allowed no schemes to be laid upon the Table. The last schemes submitted to Parliament were submitted on the 4th of July, and the schemes presented on that day at the prorogation of Parliament had still three days to run. The opinion of the Law Officers was that the 40 days did not run out during the Recess, but that what was necessary to complete the term of 40 days might be made up this Session. It was also held to be absolutely the duty of the Education Department to submit these schemes to the first Council held after the term of 40 days had been completed, and that the Act of

Parliament left them no discretion in the matter.

Lord REDESDALE wished to know whether it was quite certain a further period could not be allowed?

The Marquess of RIPON said, that the Government had the power of rejecting any scheme previous to its being laid before Parliament. Any scheme recommended by the Commissioners came before the Education Department in the first instance, before it was laid on the Table of either House of Parliament. After a scheme under the Act had been laid on the Table of both Houses, if no Address were moved within 40 days it was proper to submit it to Her Majesty, and for the Government to advise Her Majesty to ratify it.

Lord REDESDALE thought there must be a discretion. There was nothing in the Act requiring the assent to be given at the first Council held after the 40 days had expired; and he should think that no reasonable objection could be taken to a moderate extension of time under the peculiar circumstances of the case. If a dissolution had taken place in the meantime, he supposed that 40 days must have been allowed to the new Parliament.

The Marquess of RIPON feared that the scheme would fall to the ground if a further interval of time elapsed.

The Marquess of SALISBURY hoped that the opinion of the Law Officers of the Crown had been taken on this point.

The Marquess of RIPON said, that the course pursued by the Education Department had been strictly Parliamentary and regular.

House adjourned at Eight o'clock,
'till To-morrow, half
past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 13*th February*, 1873.

MINUTES.] — Select Committee — Standing Orders, Sir Edward Colebrooke *added.*

Public Bills—*Resolution in Committee—Ordered —First Reading*—University Education (Ireland) [55].

Ordered—Portpatrick Harbour (Repeal of Acts)*.

Ordered—First Reading—Tribunals of Commerce* [57]; Labourers' Cottages* [58]; Salmon Fisheries (No. 2)* [60]; Registration of Firms* [59].

First Reading—Landlord and Tenant* [56].

Second Reading — Bastardy Laws Amendment [33].

ARMY—LENGTH OF SERVICE (INDIA).

QUESTION.

Colonel BARTTELOT asked the Secretary of State for War, Whether it is his intention to reduce, and, if so, to what extent, the service of Regiments in India?

Mr. CARDWELL, in reply, said, that when short service in the ranks was adopted, it was arranged that the length of service in India for the head-quarters of a regiment should be 12 years, and that it was not intended to disturb that arrangement.

IRELAND—THE RIVER SHANNON.

QUESTION.

The O'CONOR DON asked Mr. Chancellor of the Exchequer, Whether it is the intention of the Government to introduce during the present Session any measure dealing with the navigation and improvement of the River Shannon, and for affording facilities for the drainage of the adjacent lands?

The CHANCELLOR of the EXCHEQUER, in reply, said, any measure affecting the navigation and improvement of the Shannon must necessarily throw a heavy charge upon the riparian proprietors. He should wish to defer any statement as to the intentions of the Government on this subject until he had heard the opinions of Irish Members in the debate to be raised by an hon. Member (Mr. Mitchell Henry) on a future day.

INDIA—THE EUPHRATES VALLEY RAILWAY.—QUESTION.

Sir GEORGE JENKINSON asked the First Lord of the Treasury, Whether any steps have yet been taken by Her Majesty's Government to carry into effect the recommendation made by the Select Committee on the Euphrates Valley Railway at the end of their Report last Session; and, if so, what has been the result; and, if not, whether it is their intention to carry out that recommendation; and, if so, when?

MR. GLADSTONE, in reply, said, he had made inquiries at the India Office, the result of which went to show that they had altogether limited their operations at present to railway construction, and had given up the practice of guaranteeing railways, and that they did not propose to take any steps with reference to the railway through the Euphrates Valley. As far as the British Government was concerned, he was not able to enter into any undertaking with respect to the Report of the Committee to which the hon. Baronet had referred.

EGYPT—JUDICIAL REFORMS—THE SUEZ CANAL.—QUESTION.

MR. BAILLIE COCHRANE asked the Under Secretary of State for Foreign Affairs, Whether he will lay upon the Table Copies of the Correspondence that has taken place during the recess between the Foreign Office and other Governments respecting the proposed judicial reform in Egypt, and the navigation of the Suez Canal?

VISCOUNT ENFIELD: There will be no unnecessary delay in producing the Correspondence upon the two Questions referred to by my hon. Friend; but in the opinion of the Secretary of State it would not be convenient to do so in the present state of the negotiations.

ELEMENTARY EDUCATION ACT, 1870.

QUESTION.

MR. W. H. SMITH asked the Vice President of the Council, If he will state when he will introduce the measure for the amendment of the Elementary Education Act of 1870, which is referred to in Her Majesty's Speech?

MR. GLADSTONE: I have arranged with my right hon. Friend (Mr. W. E. Forster) that as the matter relates to the general conduct of business I should answer the Question. Our experience is that there is great wisdom in the rule of "doing one thing at a time," which was mentioned by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) the other day. I am convinced that it tends to the speedy and effectual despatch of public business; and as I have to-night to introduce a measure of the greatest consequence, and as it is impossible for me at this moment to anticipate what time the discussion of it may require, I hope the hon. Gentleman will not think it strange if I decline at present to name any day for the introduction of the Bill to which he refers. I will only tell him it is the sanguine hope of my right hon. Friend and myself that it will be introduced, I will not say before the end of the Session, but at an early period, in ample time for the judgment of Parliament to be taken upon it.

EXPORT OF COAL—DUTIES OR RESTRICTIONS.—QUESTION.

MR. W. H. SMITH asked the First Lord of the Treasury, Whether it is in the power of Parliament to impose any Duty or restriction upon the export of Coal from the United Kingdom, which amounted to 13,200,000 tons in 1872, valued at £10,400,000, against an export of 12,700,000 tons in 1871, valued at £6,200,000; and, if it is the intention of Her Majesty's Government to propose any such Duty or restriction?

MR. GLADSTONE, in reply, said, it was not in the power of Parliament at the present moment to impose a general and uniform duty upon the export of coal, irrespective of the countries to which it was sent; but of course it was in the power of Parliament to impose such a duty, if it should think fit, in all cases where it was not bound by treaty obligations to a contrary effect. It was bound by treaty obligation not to do so with regard to France, but that obligation would come to a close in the middle of next month. But there was a Treaty with the Zollverein in the year 1865, which imposed a similar obligation; and although the new Treaty with France included no similar obligation, yet until the Treaty with the Zollverein expired, which would not be until 1877, France would be entitled to claim the privilege of "the most favoured nation" in the event of the new Treaty being ratified. There was likewise a Treaty with Austria, under which, in its relation to the Zollverein, Austria would claim exemption from the duty for the next three or four years. Therefore, practically, the proper answer to the Question was that for several years to come, under the Treaties with Germany, Parliament would be prevented from imposing such a duty; but as the hon. Member had included in his Question a reference to policy, he might say that if the hands of the Government were free they should not ask Parliament to impose such a duty.

CRIMINAL LAW—CAPITAL OFFENCES. QUESTION.

Sir GEORGE JENKINSON asked the Secretary of State for the Home Department, Whether it is the intention of Her Majesty's Government to take any steps this Session to carry into effect the recommendations of the unanimous Report of the Royal Commission of 1866 on Capital Punishment respecting an alteration in the present Law of Murder, and also as to the latter portion of that Report, not included in their unanimous recommendation, and which involved the questions of—1. An appeal on matters of fact to a Court of Law in criminal cases; 2. The mode in which the Crown is advised to exercise the prerogative of mercy by the Home Secretary; and 3. The present state of the Law as to the nature and degree of insanity which is held to relieve the accused from penal responsibility in criminal cases?

Mr. BRUCE, in reply, said, that towards the close of last Session the right hon. and learned Gentleman the Recorder of London introduced a Bill relating to the recommendations of the Commission of 1866 on the law of murder, with a view to its being considered by the country and the Government during the Recess. It was no secret that the Bill had been prepared by one of our most eminent jurists. The Government had considered the Bill, and hoped to introduce it in the course of the Session. It did not deal with an appeal to a court of law on matters of fact in criminal cases, nor with the mode in which the Crown was advised to exercise the prerogative of mercy by the Home Secretary; but it did to a considerable extent deal with the present state of the law as to the nature and degree of insanity which is held to relieve the accused from personal responsibility in criminal cases.

POST OFFICE—EXTENSION OF TELEGRAPHS TO ORKNEY AND SHETLAND. QUESTION.

Mr. LAING asked the Postmaster General, Whether arrangements are in progress by which the benefits of Postal Telegraphs enjoyed by the rest of the United Kingdom, will be extended to the Islands of Orkney and Shetland?

Mr. MONSELL, in reply, said, he fully appreciated the inconvenience to which Orkney and Shetland were subjected by the present arrangement. It had been frequently pressed on him by his hon. Friend the Member for the Wick Burghs. The local company had made an offer to sell their property to the Government; but he could not accept their terms, and had made an alternative proposal, which was now under their consideration.

INDIA—THE PESHAWUR RAILWAY. QUESTION.

Mr. LAING asked the Under Secretary of State for India, Whether it is intended to proceed with the construction of the Railway to Peshawur, on a plan which will introduce a break of gauge between that important frontier town and the Railway system of British India?

Mr. GRANT DUFF: It is intended to proceed with the construction of the railway on the metre gauge, in spite of the break of gauge which will be caused by so doing, the advantages which will result from this course being considered to preponderate over its inconveniences.

PARLIAMENTARY ELECTION PETITIONS.—QUESTION.

Mr. O'CONOR asked Mr. Attorney General, Whether he intends to introduce any Bill this Session to amend the Law relating to the trial of Parliamentary Election Petitions?

The ATTORNEY GENERAL, in reply, said, he had no information that the Government had the least intention of introducing a Bill for the purpose mentioned by the hon. Member.

THE MERCHANT SERVICE—SUPPLY OF SEAMEN.—QUESTION.

Mr. NORWOOD asked the President of the Board of Trade, Whether he has received any Report from Mr. Thomas Gray and Mr. Hamilton, of his Department, as to the inquiry made by them at the outports last Autumn respecting the supply of seamen for British merchant ships; and, if so, whether he will lay such Report upon the Table of the House on an early day?

MR. CHICHESTER FORTESCUE, in reply, said, he had received the Report, and should be willing to lay it on the Table.

SANITARY ACTS.—QUESTION.

SIR CHARLES ADDERLEY asked the President of the Local Government Board, Whether it is his intention to introduce measures this Session amending any of those Sanitary Acts imposing duties on local authorities which the Sanitary Commissioners recommended to be repealed and re-enacted in one Bill.

MR. STANSFELD, in reply, said, he was not able to give his right hon. Friend as definite an answer as might be desired. He should be glad to introduce a measure of that nature; but whether he could do so or not would entirely depend on the progress of public business.

COLLISIONS AT SEA—LEGISLATION.

QUESTION.

MR. G. BENTINCK asked the President of the Board of Trade, Whether it is the intention of the Government to bring forward any measure, during the present Session, for the better prevention of collisions at sea, and more especially with respect to vessels propelled by steam; whether it is the intention of the Government to take steps for establishing a danger signal, to be used only by vessels in cases of emergency; and, whether it is the intention of the Government to bring forward any measure giving powers for the infliction of penalties, where practicable, in cases where the master of a vessel which has been in collision with another vessel does not do his best to render assistance to the vessel with which he has been in contact, his own vessel being in a condition to render such assistance?

MR. CHICHESTER FORTESCUE confessed that he did not think much more could be done by way of legislation than had been done for the purpose of preventing collisions at sea. The great thing was to secure that the lights should be as good as could be obtained. He was not prepared to propose any change in the steaming or sailing rules, or in the rules for regulating lights, which were now in force, and as they had been adopted by all nations it would be undesirable to disturb them. With respect to the goodness of the light—a very important matter—he believed a great improvement had already taken place, and that still further improvement would be made. The Marine Department of the Board of Trade had laboured hard upon this matter; various experiments had been made for the purpose of improving the lights, and he believed that a great deal had been done, and that the lights at present were better than those of any other nation in the world. With regard to securing effectual relief for injured vessels where collisions had occurred, he had no doubt that something might be done. On the subject of danger signals the Marine Department of the Board of Trade had long been engaged in investigations and in discussion with all parties interested, with a view to bring about an agreement as to a danger signal and on what it ought to be. Those discussions had come to a close, and he found himself in a position to be able to propose to the House legislation on the subject which would tend to the universal adoption of an effectual signal in case of danger. They had every reason to believe that other countries would take the same view of the matter as themselves. The French Government were already agreed with them on that point. As to the last part of the hon. Gentleman's Question, an attempt was made some time ago in the House of Lords, by no less an authority than the late Lord Kingsdown, to introduce an Amendment in the Merchant Shipping Act, making it felony for a vessel which had run down another not to render assistance where practicable to the vessel she had injured; but that proposal was badly received by the other high legal authorities in the other House, and it failed. The matter, however, was one well worthy of consideration, and he was now considering it in conjunction with the Law Officers of the Crown.

LANDED ESTATES COURT (IRELAND).

QUESTION.

SIR HERVEY BRUCE asked the Chief Secretary for Ireland, Whether he will reconsider his answer as to not considering it necessary to fill the vacant Judgeship in the Landed Estates Court, Ireland?

The Marquess of HARTINGTON, in reply, said, he saw no reason to depart from the answer he had previously given; but it would be necessary to bring in a Bill on the subject, and then the hon. Baronet would have an opportunity of urging his reasons for thinking that the vacancy ought to be filled up.

RAILWAYS—HOURS OF WORK—CASE OF EDWIN CHIVERS.—QUESTION.

Mr. M. T. BASS asked the President of the Board of Trade, If he has any information respecting the case of Edwin Chivers, a Fireman on the Great Western Railway, who is reported to have died in his chair after being twenty-one hours on his engine and eleven hours without food?

Mr. CHICHESTER FORTESCUE, in reply, said, he had no official knowledge of that occurrence; but in consequence of his hon. Friend's Question he had written for information about it to the Great Western Railway Company, who had sent him a statement which amounted to this—"that the unfortunate man Chivers had been on duty on the day in question for a great length of time in consequence of his train being detained through some delays on another line;" but that during that time he had several intervals of an hour or two or more, when he might easily have obtained refreshment if he had pleased. The statement added that it was contrary to the rules of the company for any servant of Chivers' class to go on duty without having had at least nine clear hours of rest, and that in this case the deceased had had more than 13 hours' rest before he began his work. It was further stated that at the inquest it was shown that the man had suffered from enlargement of the heart, brought on by natural causes, and that a verdict was given accordingly.

WEIGHTS AND MEASURES.

QUESTION.

Lord GEORGE HAMILTON asked the President of the Board of Trade, If it is his intention to introduce a Bill this Session relating to Weights and Measures?

Mr. CHICHESTER FORTESCUE, in reply, said, he thought it was rather early in the Session to say whether he would introduce such a Bill; but there were so many subjects of more pressing importance now before his Department that he was not sanguine about being able to bring it in.

RAILWAY ACCIDENTS.—QUESTION.

Sir HENRY SELWIN-IBBETSON asked the President of the Board of Trade, If his attention has been called to the numerous accidents on Railways during the past year which come under the head of preventable accidents; and if he is not of opinion that the time is arrived when the Board of Trade would be justified in insisting upon the adoption by Railway Companies of methods of regulating and conducting their traffic which have been shown by the experience of the working of other lines, to give a much greater amount of safety to the travelling public?

Mr. CHICHESTER FORTESCUE presumed that the hon. Baronet wished to ask, not whether the Board of Trade should impose those conditions on the railway companies—which it had not the power of doing—but whether Parliament should do so by compulsion. Though he did not wish at that moment to give a decided opinion on that point, he was quite as much alive as the hon. Baronet could be to the importance of that question, as, indeed, most of them must be. The hon. Baronet was no doubt aware that the general introduction of the block system on railways, or the interlocking of points and signals, could not be carried out without a large amount of alteration and re-arrangement of stations and slidings, requiring considerable time and expenditure, and in many cases acquirement of additional land. In any compulsory measure which Parliament in its wisdom might adopt, it would be necessary to allow the companies sufficient time for that purpose. It was desirable, before deciding on any legislation on the subject, that the House should know what the companies had done and were now doing in that matter, and he had therefore taken steps with a view to having Returns placed on the Table which would supply that information. He did not venture to say that the Returns when presented would be as satisfactory as could be wished; but he thought it would be well that the House should be in possession of them, before deciding upon legislation of this nature.

COLLIERY MANAGERS.—QUESTION.

MR. FINNIE asked the Secretary of State for the Home Department, Why certificates of service to colliery managers who have applied for such, and are qualified to receive the same in terms of the Mines Regulation Act, have not yet been issued?

MR. BRUCE, in reply, said, that since the beginning of January the number of applications for certificates had amounted to 3,596. Of these about 1,300 had been dealt with. The principles upon which they were granted were now pretty well settled, and the whole number would, he believed, be dealt with within the next month.

ARMY—CONTROL DEPARTMENT.

QUESTION.

MAJOR ARBUTHNOT asked, Whether it has been determined by the Secretary of State for War to carry out any changes, either of principle or of detail, in the re-organization of the Control Department; and, if so, whether he will have any objection to state the character of such changes?

SIR HENRY STORKS: In reply to the Question of the hon. and gallant Gentleman, I have to state that such changes are being made from time to time in the Control Department as experience and practice show to be necessary. The character of such changes must, of course, depend on the result of experience and circumstances. I shall have no objection to state them in due course.

UNIVERSITY EDUCATION (IRELAND).

MR. GLADSTONE moved, pursuant to Notice, "That the Order of the day be read, and postponed till after the Notice of Motion relative to University Education (Ireland)."

Motion *agreed to.*

Paragraph from Her Majesty's Speech read:—

A measure will be submitted to you on an early day for settling the question of University Education in Ireland. It will have for its object the advancement of learning in that portion of My Dominions, and will be framed with a careful regard to the rights of conscience.

UNIVERSITY EDUCATION IN IRELAND *considered* in Committee.

(In the Committee.)

MR. GLADSTONE, in rising to move that the Chairman be directed to move the House, that leave be given to bring in a Bill for the extension of University Education in Ireland, said*: Mr. Bonham-Carter, I rise, Sir, for the third time since the formation of the present Government, to submit to the House in detail proposals respecting Irish affairs, in regard to which I say little in stating that they are vital to the honour and existence of the Government; but of which I may say also that which is of greater importance—that they are vital to the prosperity and welfare of Ireland. For even if we think that University education is a matter less directly connected with the peace and happiness of the country than others on which we have formerly been called upon more than once to proceed, it must be borne in mind that when we look into the far future the well-being of Ireland must in a great degree depend on the moral and intellectual culture of her people; and that in the promotion of that culture the efficiency of her Universities cannot fail to be a most powerful and effectual instrument. There are, indeed, those who think, and those who say, that Ireland is a barren field on which to spend the efforts of Parliament, and that the more we endeavour to improve its condition the less return is made for our philanthropic labours. In that discouraging opinion the Government, however, do not concur. The state of Ireland at the present moment does not deter us from asking Parliament steadily to prosecute that course on which it has long ago entered. I will not, when I have so much of necessary exposition before me, trouble the House with details on a subject that is only germane to the matter immediately in hand and that does not strictly belong to its essence; but I may say, with respect to the condition of Ireland, that industry is flourishing, and that according to all appearances—all well-known and ordinary appearances—the best description of wealth in that country, the wealth of the community at large, rapidly increases; that order is respected, that ordinary crime is less than in England; that agrarian crime has greatly diminished; and, as it has often been observed, and observed with truth, that when agrarian crime diminishes in Ireland, for the most part political and treasonable crime increases, I may state with thankful satisfaction that in 1871 treasonable offences in Ireland had sunk to the low number of seven only, and that in 1872 there was not one treasonable offence.

I must again, as on former occasions, ask for the indulgence of the House, for I have to enter on a subject of great difficulty, great intricacy, and great complexity of detail; and it is only by means of that indulgence that I can hope in any degree to succeed in conveying to the mind of the House a clear conception either of the subject itself or of the intentions and proposals of the Government. There is another plea which, if it were needed, I would offer, but which I know is hardly needed—namely, the plea for that favourable and candid consideration which in 1869 and 1870 we so largely experienced; which enabled us at those epochs to encounter the difficulties we had then to meet, and which, I believe, will now again be granted, and will again enable us to encounter the difficulties with which we now have to deal. There is, Sir, a subject of great importance, collateral to that immediately in hand, to which I will only refer for the sake of putting it aside; it is that which relates to the intermediate or proprietary schools in Ireland. It has lately been represented to me, with a singular and gratifying concurrence of opinion, from every quarter representing influence and intelligence in a particular county in Ireland—I mean the county of Limerick—that the greatest necessity exists for legislation with regard to the higher or preparatory schools of that country. I am quite sensible that is the case; but I am equally convinced that it is impossible for us advantageously to endeavour to mix legislation for the intermediate schools of Ireland with legislation in regard to her Universities. What I wish for the present to state is, our free admission that legislation with regard to its higher or preparatory schools, or, at least, the question how far it may be possible to legislate with regard to its schools, must arise as a necessary consequence of the legislation which Parliament may think fit to adopt with respect to the question of University education. I wish further to point out that the course which Parliament may take, and the principles which it may adopt for its own guidance, with respect to University education will be of the utmost advantage to any Government that may have to frame a measure with regard to the higher or preparatory schools of Ireland. Admitting, therefore, the importance, and even the urgency, of the subject, I trust I shall be favourably understood when I say that we think it absolutely necessary to keep it apart from the intricate and difficult question of University education with which we have at present to deal.

In approaching, Sir, the consideration of this question, it is impossible altogether to put out of view the flow of criticism with respect to the subject itself, and with respect to the intentions and conduct of the Government, which have for some time been almost incessantly brought under the public eye. We have heard much, Sir, of Ultramontane influence—["Hear, hear!"]—and it may be well, therefore—that cheer is an additional reason why I should notice the point—to refer to it for a moment. I cannot wonder that apprehensions with respect to Ultramontane influence should enter into the minds of the British public whenever legislation affecting the position of the Roman Catholics in Ireland is projected; and we cannot, I think, be surprised that the influences which appear so forcibly to prevail within the Roman communion should be regarded by a very great portion of the people of this country with aversion, and by some portion of them even with unnecessary dread. It appears to us, however, that we have one course, and one course only to take, one decision, and one only to arrive at, with respect to our Roman Catholic fellow-subjects. Do we intend, or do we not intend, to extend to them the full benefit of civil equality on a footing exactly the same as that on which it is granted to members of other religious persuasions? If we do not, the conclusion is a most grave one; but if the House be of opinion, as the Government are of opinion, that it is neither generous nor politic, whatever we may think of this ecclesiastical influence within the Roman Church, to draw distinctions in matters purely civil adverse to our Roman Catholic fellow-countrymen—if we hold that opinion, let us hold it frankly and boldly; and, having determined to grant measures of equality as far as it may be in our power to do so, do not let us attempt to stint our action in that sense when we come to the execution of that which we have announced to be our design. But there really, as I shall explain, is no room for any suspicion of either Ultramontane or any other influence with respect to the measure which I am now about to submit to the House. The truth is that circumstances entirely independent of our own will have precluded us from holding communications with any of the large bodies which may be said, as bodies, to be interested in Irish University education. The Governing Body of Trinity College, Dublin, have thought fit, in the exercise of their discretion—a discretion which they had a perfect right to exercise—to adopt a policy and to propose a plan of their own, or, at least, to associate themselves with the plan which was proposed in this House by the hon. Member for Brighton, with the direct concurrence and sanction of one, perhaps of both, of the Members of the Dublin University. That being so, it is obvious that it would not have been consistent with the respect which we owe to that learned body that we should have attempted to induce it by private persuasion to accept a plan of a different character, or that we should have entered into communications with it as to the nature of the proposal which we are about to lay before the House. Under these circumstances, the principles of equal dealing prevented us from similar proceedings in any other quarter. Therefore, the door was shut in that direction by no act of ours, but by an act altogether independent of ourselves; and consequently it was plain that the best course for us to take was to look as well as we could to the general justice and equity of the course we felt ourselves called upon to pursue, to devise a plan founded upon our own matured convictions, to spare no labour in drawing up the details of that plan, and to forego altogether the advantage—an advantage often considerable—of holding communications beforehand with the various parties who were interested in the matter. Therefore, the measure I am about to submit to the House is a measure solely of the Government. It is a measure of the Government alone; our responsibility for which is undivided, and our hopes of the acceptance of which are founded entirely upon what we trust will be found to be its equity and its justice. The provisions of the Bill have been drawn up without any disposition to shape them for the purpose of currying favour or of conciliating any irrational prejudice, or of enabling the Government to pursue any other course than that which the most enlightened patriotism and the objects we have in view must dictate to every honourable mind.

I think it will be for the convenience of the Committee if I endeavour, in the first place, as briefly as possible, to put aside a variety of alternative plans with regard to which numerous critics, who apparently know a great deal more about our own intentions and desires than we do ourselves, have from time to time assured the public that the Government have determined to adopt. Not satisfied with a single revelation, these well-informed intelligencers, for fear the interest of their readers in the subject should flag, have perhaps in the following week informed them that "the Government had deviated from the plan they announced last week, and have adopted another plan," the provisions of which they again proceed to announce. Thus a lively interest in the question has been kept up. It was once said by an old poet that it was pleasant to stand on the seashore and to observe the mariner labouring on the sea, and it is often a source of amusement to public men engaged in preparing a measure of public importance to observe the floundering announcements with regard to it which from time to time are made by those who neither do nor can know anything about it. The first of these suggested plans to which I need refer is that which is founded on denominational endowment. I need only say, with regard to this plan, that Her Majesty's Government were precluded from adopting any scheme which involves denominational endowment by more than one conclusive objection. Denominational endowment, whether applied to a University or to a College in Ireland, would be in opposition to the uniform and explicit declarations which have been made, ever since this question assumed a new position six or seven years ago, by, I believe, every Member of the Government, and, as I can safely assert, by myself. But it is not only the fact that denominational endowment is so contrary to our pledges that if it is to be adopted at all it must be by some other Administration than ourselves. Such pledges are, of course, in themselves conclusive; but there are other reasons which would compel us to refuse consideration to it, even if we were not bound by them. Were we free in the matter; and were the national convictions upon the subject less strong than I believe them to be, I confess I should think that the plan of denominational endowment in the circumstances in which Ireland is placed would be one unwise in principle to adopt. I doubt whether it would be favourable to the true interests of academical learning. I likewise doubt whether it would not lead the Government into hopeless confusion by entailing upon it the performance of an impossible task. The immediate result of such a plan would be an interference of the State with the management of institutions now entirely free, and an attempt, for which the State would be quite unfit, to adjust as between different classes the balance of power within them. If we are to give the money of the public to institutions founded by particular religious persuasions for the advancement of their own views by means of academical education, we must take precautions with respect to the use of that money, and it would be a gross folly on the part of Parliament and of the Government were they to undertake to hold the balance between rival powers with the mutual relations of which they have nothing to do. Next, Sir, there was the plan which was adopted in 1866 by the Government of that day, which included many of my present Colleagues. This measure was founded upon the belief that the wants of Ireland with regard to University education might, in a great degree, be met by extending the basis of the Queen's University so far as to admit of extending the examination for degrees within its precincts to students from other Colleges, of whatever religious denomination they might be, or of students who belonged to no College at all. But that plan has entirely broken down. In the first place, the reception it met with at the time was not such as to give us any encouragement to proceed with it; and, in the second place, a proposal that may have been equal to the circumstances of 1866 is not equal to those of 1873. The circumstances of Ireland have changed since 1866 with regard to this matter of public instruction, and therefore any idea of proposing a scheme of that nature has not been entertained by Her Majesty's Government for a single instant. Another plan which has suggested itself to many minds is that of establishing a new University in Ireland by the side of the Dublin University and by the side of the Queen's University, which is also an University placed by its charter in the City of Dublin. Certainly, such a plan had one recommendation in its favour—namely, that it would present to us the novelty of the existence of three Universities in one city. I doubt very much whether, in any period of the history of the world, or, at any rate, whether at this moment anywhere in Europe, such a singular arrangement is to be found as would result from the adoption of such a plan; and I also doubt whether we should act for the advantage of academical education were it to be adopted merely for the purposes of political expediency—that is to say, for the relief of the Government and of Parliament in a moment of difficulty. Under these circumstances, this is not a proposal that I could undertake to recommend to the House of Commons for their acceptance. I must further add with reference to this proposition that the three Universities to be established under it would scarcely have a fair start. The present University of Dublin, sustained by enormous property and powerful traditions; the Queen's University, with its means comparatively limited, and its constitution much more narrow; and the third University, hobbling and lagging behind the second as much as the second would behind the first—could scarcely be said to stand upon a footing conformable to justice. That would not be a state of things that would be regarded by any of us with great satisfaction, and would not be a course of proceeding by which we could hope to effect a real settlement of this great question.

A few minutes ago, Sir, we heard read from the Table of the House that paragraph of Her Majesty's Speech in which reference was made to University Education in Ireland; it is a paragraph in so far significant that it draws a broad and clear distinction between the two portions of this subject, which distinction we have kept in view all along. The second of them relates to the rights of conscience. And the rights of conscience are, as we think, deeply concerned in this question, because we hold that there has long been a religious grievance in Ireland, arising out of the existing state and law of University education, and that it is our duty, in offering any proposal to Parliament as a settlement of this question, to make provision for the complete removal of all religious grievances. But, at the same time, it would be a great mistake to suppose that the religious grievance constitutes either the whole or the main question before us. It certainly forms an essential part of it as a negative condition, but the positive and substantive part is that which relates to the promotion of academical learning in Ireland. These two matters I shall endeavour to keep separately in view while I address the House on this subject, as they have all along been kept separately in view by the Government. I am by no means prepared to state that there is no likelihood of conflict between these two principles. It is perfectly plain that the old academical learning, which included teaching in all subjects, must be modified; because where there is a difference of religious convictions to be provided for, it is impossible to retain the perfectness and completeness which academical learning possessed in the olden time. A large number of Her Majesty's subjects are at this moment debarred from University training because they send their children to places of education where their religion is taught by authority, as part of the training in those institutions. Now, it may be said that, even though this may be true, two questions are to be raised—first, is the allegation true; and, secondly, if it is true, are the persons who thus withhold their children from University training right or are they wrong? Let me observe, in the first instance, that the question is not whether we agree with them or no. Parliament has advisedly determined to give the preference to academical institutions which are not denominational. This, in the three kingdoms, is the Imperial policy, and to it, in all instances, we shall adhere. But there is more to say. When it was observed in former times that the great majority of the people of Ireland were Roman Catholics, it was answered, "So much the worse for them; let them adopt the true religion, and then all difficulties will disappear." But Parliament came to the conclusion that it was its duty to recognise the fact and to accept the consequences. There are many Presbyterians who desire to be educated in a College where their own religion is taught; and the existence at this moment of Magee College, under a most able Principal who, I believe, enjoys very high repute in the Presbyterian body, notwithstanding all its difficulties by reason of exclusion from University training, affords a proof that this belief, that education should be given in connection with denominational teaching, is not confined to the Roman Catholic communion. I have said it is not our business to inquire whether the Roman Catholics are right in their opinion, or whether they are wrong. The question for us is rather this—supposing they are wrong, is it right in us, or is it wise, that they should be excluded from University training? For that is the course which, up to this moment, has been pursued. I do not think that Englishmen, who are accustomed to send their own sons for the most part to those institutions where they are trained in their religion by the same authority that communicates to them the other parts of education, can very severely condemn this error of the Roman Catholics of Ireland, and of some of the Presbyterians of Ireland, if error it is proved to be.

Now, I will look at the question in a very simple form. What is the state of the case as to the actual enjoyment of University training by the Roman Catholics of Ireland? I shall not enter into those details of controversy which have been handled with great ability by Gentlemen on one side and the other. There are those who think, and who are bold enough to maintain, that upon the whole, considering who Roman Catholics are, considering how little property they possess, how little it is possible for them to enter upon the higher culture, their state, so far as University education is concerned, is not very bad at this moment. I hold, on the contrary, that it is miserably bad. I go farther; and I would almost say, it is scandalously bad. I will go into figures, which will at least bring to a test the proposition that I have laid down; but, in applying those figures, I will first protest against the manner in which the subject has hitherto been handled, and will call the attention of the Committee to a distinction which it appears to me they ought to bear in mind in order that they may estimate correctly the facts. In the Queen's Colleges, Ireland, the total number of matriculated students is returned to me as 708. The number of Roman Catholics among them is 181, or somewhat over one-fourth. But my proposition is this:—In the Return there is a fundamental fallacy; the great bulk of these matriculated students, or, at least, a very large portion of them, are simply professional students, and are not students in Arts. But when we speak of University education as an instrument of the higher culture, we mean University education in Arts. Schools of law, schools of medicine, schools of engineering, and I know not how many other schools, are excellent things; but these are things totally distinct and different from what we understand by that University training which we look upon as the most powerful instrument for the formation of the mind. Therefore I am obliged to break down these figures into fragments, and to ask, out of these 181 students, how many are students in Arts? I now give the Roman Catholic students in Arts in the Queen's Colleges of Ireland. From 1859 to 1864, in the three Queen's Colleges, the Roman Catholic students in Arts averaged 59; from 1864 to 1869 they averaged 50; from 1869 to 1871 they averaged 45. I think these figures justify the statement that the numbers are miserably small; and that, small as they are, they are, moreover, dwindling away. And, Sir, when I speak of recognizing only students in Arts, I am not hazarding the opinion of an individual; I am giving utterance to a judgment which I know every University man will sustain. It is the opinion upon which the University of Dublin has uniformly proceeded in its handling of this subject. The number of Roman Catholics matriculated as students in Arts at Trinity College seems to be about 100. That may not be the exact number, but, from the figures kindly supplied to me, it must be within two or three, one way or the other. Adding these 100 at Trinity College to 45 at the Queen's Colleges we have 145 as the whole number of persons whom 4,000,000 and upwards of Roman Catholics in Ireland at present succeed in bringing within the teaching of a University to receive academical training in the faculty of Arts. Well, I think that is a proportion miserably small. It is something, but it is really almost next to nothing. Again, Sir, the total number of students in Arts in Ireland I find to be 1,179. So that the Roman Catholics, with more than two-thirds—I think nearly three-fourths of the population—supply only an eighth part of the students in Arts. I think there are hardly any in this House who will think fit to say that that is anything like an adequate proportion—anything like the numbers which they ought to furnish, even after making every allowance which ought fairly to be made for the relative proportions of Roman Catholics in the different classes of the community. Well, I think, then, I have shown that there is a great religious grievance in Ireland. Had I been able to point to a state of things in which the movement was in the other direction—in which, instead of an almost constant decrease of Roman Catholic attendance at the Queen's Colleges, there was a steady, healthy, and progressive increase—the case would have been greatly different. You might have said, "It is well to wait and see what happens." But I am afraid if we wait to see what happens, the only result of that would be to aggravate a state of things already sufficiently bad.

I now, Sir, quit the topic of the religious grievance. But quite apart from the religious grievance, there is a great and strong necessity for academical reform in Ireland. I will test the question first as to the quantity or supply of academical training in that country; and all along I will keep broadly and plainly in view the distinction between training in Arts and mere professional training. Now, in Trinity College there are attending lectures in Arts 563 young men, about the same number—I think it is a little more—as attend in Trinity College, Cambridge. In the Queen's Colleges the students in Arts are as follow—I take the year 1871, which is the latest I possess:—At Belfast, 136; at Cork, 50; and at Galway, 35—in all 221. Adding these two figures together we get 784 as the total for Ireland of University students in the proper sense of the word; that is to say, in the sense in which it is understood in Scotland, much more in the sense in which it is understood in England. 784 is the whole number of students who are receiving regular instruction in Arts, for the whole of Ireland, with its five and a half millions of population. But there are a large number of students in the Queen's Colleges who are receiving professional education in law, in medicine, and in engineering. The number of these is at Belfast 201, at Cork 174, and at Galway 80—in all 455. Thus, when we include students preparing for a professional career with the Arts students, we come up to 1,239. Finally, there are a large number of persons who belong to Trinity College, Dublin, who have the honour of paying, without any deduction, all the fees of Trinity College, Dublin, but who receive from Trinity College, Dublin, no other benefits—and great benefits they are shown to be, or the price would not be paid for them—than those of examination and a degree. The number of these is 395, so that in this way we get up the number of University students in Ireland to the very poor and scanty figure of 1,634, of whom less than one-half are University students in the English or in the Scottish sense of the word. Of students in that sense in Ireland there are but 784, against 4,000 whom Scotland, with not much more than half the population, sends to her Universities. I think that is a pretty strong case as regards the absolute supply of University and academic training in Ireland. But the case is stronger still when we consider the comparative state of the academical supply. Take the Queen's Colleges, those valuable institutions which we should heartily desire to see in a flourishing condition. From 1859 to 1864 they matriculated on the average 226 persons per annum. This is in Arts and other faculties taken together. From 1864 to 1869 they matriculated 1,039 persons, or an average of 208 persons. In each of the years 1870-71 they matriculated 200 persons. Thus, as far as the Queen's Colleges are concerned, even the present narrow supply of academic training is a supply tending downwards. What is the case as regards Trinity College? Having a strong sentiment of veneration and gratitude for that institution, which has done in Ireland a large portion of the good which has been done for her at all, I observe with the greatest regret the decline in the number of students there. I now draw no distinction between resident and non-resident students; and I find that during the period of years from 1830 to 1834 the annual matriculations were 433. Then, taking a period of 15 years down to 1849, at the end of which the Queen's Colleges were founded, the matriculations had sunk to 362 per annum; while from 1849 to 1872 they had again sunk to 295. Thus, Sir, we find, upon examining this matter to the bottom, that notwithstanding the efforts of Parliament, notwithstanding the general increase of education, notwithstanding the opening of the Queen's Colleges with large endowments, the University students of Ireland in the proper sense—that is, the students in Arts—are fewer at this moment than they were 40 years ago, when no Queen's Colleges were in existence. I have shown you that, at this moment, the students in Arts in Ireland, even including men who are merely examined and who do not attend lectures, only number 1,179; but I find that in 1832 the students in Arts at Trinity College alone were 1,461. Sir, I think I have now sufficiently made good my case as to the supply of academic training in Ireland and the necessity of reform so far as such a necessity can be deduced from the mere paucity of supply.

And here I pause for one moment to rebut the charge that this state of things, though it would not do for Scotland or for England, will do for Ireland. It is not true that Ireland is indifferent to culture. Irishmen have their vices as well as their virtues, like every other people on the face of the earth; but among their virtues has been an appetite for culture, abiding and struggling for the opportunity to act even under all the difficulties and all the disadvantages of their position. Look at the College of Maynooth. Some people will tell me that at Maynooth there is no culture at all. Now, I will not enter into that debate; but it surely must be admitted, even by the most hostile, that, if not culture in the broadest sense, it is at all events relative culture. Allowing for differences of religion, the Maynooth student is raised by the training he receives in that College far above his original level, and is so raised by a course of culture; and everyone who has the happiness of knowing the accomplished gentleman who presides over the College will know that such a man would not be found at the head of an institution where the spirit of culture was not encouraged. What is the case at Maynooth? Quoting from a pamphlet by a Roman Catholic gentleman who enjoys one-half the name of my hon. Friend (Dr. Lyon Playfair), and who possesses, I think, not less than one-half his ability also, I find that during the three years 1866-69 the average number of entrances was 90 per annum. Since that time, the income of Maynooth has been cut down to perhaps little more than a moiety by the arrangements of of 1869, though it receives a considerable income still; but the entrances, instead of going down, have risen from 90 to an annual average of 105; and Dr. Lyons distinctly states that, over and above any advantages that the Maynooth students derive from the College, it costs each of them on an average £50 a year to go to Maynooth, the great bulk of these students being, as he says, the sons of the smaller farmers of the country. But the case does not rest upon a casual illustration from Maynooth. It is really an appealing to the whole history of Ireland that she may make a plea for herself, and refuse to be smitten with this condemnation of indifference to culture. Sir, there is a love of letters in Ireland. Ireland is not barbarous in mind. She can say justly on her own behalf—

> "Nec sum adeò informis: nuper me in litore vidi,
> Cum placidum ventis stabat mare."

If only we will give her a tranquil sea in which to mirror herself, it will be in fair visage that she will return to the view.

Now, I am about to criticise the constitution of Trinity College and of Dublin University; and here I wish to draw a broad distinction. We have been told about forms of government that

> "Whate'er is best administered is best;"

and I freely and gladly avow, in the case of Trinity College, Dublin, and the Dublin University, that one of the most astounding academic constitutions which it could ever have entered into the head of man to devise has, notwithstanding, through a liberal and enlightened administration, been made to produce great benefits to the country. This constitution is in everything almost exactly the opposite of that which, according to admitted rules, it ought to be. The University of Dublin is in absolute servitude to the College of Dublin. But when, 20 years ago, we began to think about the reform of the English Universities, what was the first thing we endeavoured to do? We endeavoured to emancipate the University from the exclusive sway of the Colleges; and that we did in Cambridge, where there were 17 Colleges and Halls, and in Oxford, where there were 24—this immense diversity producing, of necessity, a great variety and play of influences. But here we have the case of a single University, with a single College, and the University is in absolute servitude to the College. When I say, "in servitude to the College," what does that mean? The College is a large and illustrious body. Does it mean in servitude to the whole assembly of the College? Certainly not. It means eight gentlemen who elect the other Fellows, who elect also themselves, and who govern both the University and the College. That is the state of things which we find in the University of Dublin and in Trinity College. The Provost and seven Fellows are the persons who appoint, to begin with, the Chancellor of the University. He is not elected, as in Oxford and Cambridge, and, I think, in some or all of the Scotch Universities; nor is he appointed by the Crown. He is appointed by the Provost and seven Fellows. But, when he is appointed, what can he do? What is there the Chancellor of the University of Dublin can do except by the command or with the assent of the Provost and seven Fellows? As I understand, one of the great functions of the Chancellor of the University is to convoke the Senate of the University; but at Dublin he cannot do this except upon the requisition of the Provost and seven Fellows. And when the Senate is convoked, the Provost and the seven Fellows, or the Provost alone, have the power at any moment by absolute veto to stop any of its proceedings. Now that is the position of the University of Dublin in reference to Trinity College. No degree, again, can be granted by the University of Dublin unless it receives a proposal to that effect from the College; that is, from the Provost and the seven Fellows. On the other hand, when it has received this permission, it cannot refuse to grant the degree, unless it votes in the negative three times over, when the matter stands for further consideration at the next meeting of the Senate. Well, Sir, these things are singular. They are hardly credible. And now, to crown it all, let me give you the truly Irish consummation. [*A laugh.*] I beg pardon for having used that phrase, but, as I hope to be well-mannered in general towards Ireland, I may be forgiven that single offence. It is, then, a fact that the Senate of the University of Dublin was formally incorporated by letters patent in 1857; and it has been acting, as has been always supposed, upon the strength of those letters patent ever since. They have been referred separately to two of the ablest lawyers in Ireland—Sir Abraham Brewster, the ex-Lord Chancellor, and Baron Fitzgerald; and both of those eminent lawyers entertained the gravest doubts whether—or rather I should say they evidently are of opinion that—the letters patent are invalid, and not worth the paper on which they are written. This, Sir, is a singular state of things with respect to the constitution of the University, and, certainly, the stranger it is, the more credit is due to those who have administered its affairs in its relation to the College; but even this is not all. I have heard the hon. and learned Gentleman the junior Member for the University of Dublin, in language with which I strongly sympathised, pleading for academic freedom against political party, and against the interference of the State and Crown. But how does Trinity College itself stand with regard to such interference? Why, Sir, as the University of Dublin is absolutely dependent upon the College, the whole supreme power of legislation for the College lies with the Crown. It can override the Provost and seven Fellows to any extent it pleases. And I will now make a premature revelation for the satisfaction of the hon. and learned Gentleman as to what we are going to propose. I hope we shall be able to propose, on behalf of Trinity College, a somewhat more independent constitution than that which it now possesses. Well, Sir, I think I have shown that, if there be anything sound in the principle for which I am contending, and the absolute necessity of which has been, as a general rule, admitted—namely, the principle of setting the University free from the exclusive dominion of the College,—I think I have shown that the present state of the constitution of the University of Dublin calls for interference—although I grant that to some extent you may make for it the same sort of argument that in 1830 and 1831 was made for the old Parliamentary Constitution—namely, that, whatever may be said about it in the abstract, the fruits of it on the whole have been greatly better than could have been expected.

And now, Sir, while I promise not to deviate from the path which is traced out for me by the subject, I am sorry to be compelled from the necessity of the case to dwell for a while upon the University of Dublin; upon the question what it is legally, morally, and historically, and what it ought to be. And, first of all, I desire to clear away a degree of confusion that exists in the minds of some respecting the relative position of the University of Dublin and Trinity College. To this confusion I am afraid our friends in Scotland have made a liberal contribution, because in Scotland the University and the College are for every practical purpose the same thing. According to the old Roman law, as I am informed, *universitas* and *collegium* were as nearly as possible synonymous. I have not lived much in Scotland for nearly 20 years, but when I did live there it was a common thing to hear a Scotchman say to a friend—"Have you sent your son yet to Oxford College?" The University and the College were to him exactly one and the same in idea and in fact. What I want is to sever these words effectually one from the other; and I beg the Committee to believe, what I will distinctly show, that in the case of the University of Dublin and Trinity College they are in law and in history entirely distinct and separate bodies. It is not very easy, perhaps, to supply an analogy to illustrate their actual connection; but the nearest one I know belongs to the beginning of the 17th century. It is in the famous theory of Hooker, who held that every man in England was a member of the State, and also a member of the Church; although it was admitted they were two different forms of society, yet they presented only two different aspects of the body politic. In the same way we have had the University and the College of Dublin co-extensive as to the persons of whom they are composed. Nevertheless their academical and legal character has been perfectly distinct. The University exists apart from the College now, as it has all along existed, morally and legally apart, notwithstanding the fact of the identity of the persons of whom the two are composed. Let me try if I can prove the proposition I have stated. And, first, I will point out the separate existence of the University, because this is the basis of the measure which the Government is going to propose. It is shown, even at the present day, by the existence of the Senate. The Senate is not the Senate of the College; it is the great assembly of the University. Whether the letters patent of 1857 be valid or not is immaterial. The Senate existed before the letters patent, and would exist without them; but besides the Senate, the University of Dublin has other elements of a constitution perfectly distinct from that of the College. The Senate has the exclusive right to grant degrees, although it does so, I must admit, in durance vile, and under great compulsion; but the College has no power to grant degrees, they are given exclusively by the University. The University has a Chancellor and a Vice Chancellor, and, lastly, the University has—and this is very important—Parliamentary representation. That representation is not a representation of the College; and here is the single case in which the two societies consist of different persons. Many of those who have taken their names off the books of the College continue to vote for Members to represent the University in this House, and they are compelled, in order to qualify for that purpose, to retain their names only on the books of the University. The University of Dublin does not, as some may suppose, originally date from the reign of Elizabeth. So far back as the year 1311, at a period when a great intellectual movement occurred in Europe, the Archbishop of Dublin, John Lech, obtained a Bull from Pope Clement V. to found an University (*Universitas scholarum*) in that city. Another Archbishop of Dublin, Archbishop Alexander de Bichnor, obtained a code of statutes for the University. In 1358, Edward III. founded a Lectureship in Theology in the University; and here we encounter a singularly interesting circumstance, for Edward III. provided in that foundation that, for the purpose of their attending the lectures in theology, safe-conducts should be granted for the resort of students from all parts of Ireland, and these safe-conducts should be granted not only to the English of the Pale, but also to the Irish enemy, as he was commonly called, from beyond it. It is really touching to see this sign of brotherhood and of the common tie of humanity betraying itself in connection with the foundation of the University, and in the form of a regulation for securing free access to its benefits. In 1364 the Duke of Clarence founded a Preachership and Lectureship in St. Patrick's, which was the site of the old University before the Reformation. In 1465 it appears that the Parliament of Ireland had endeavoured to found a University which, I suspect, very few gentlemen here have heard of —namely, the University of Drogheda; and the failure of this endeavour led Pope Sixtus IV. to give authority for a like foundation in Dublin, inasmuch as —so says the Pope—there was none at that time in the island, showing that the former foundations had been broken up. In 1496 another Archbishop of Dublin taxed his clergy in Provincial Synod to find stipends for seven years for the lecturers of the University; and from some evidence of the 16th century it is clear that teaching in some form or other did continue in connection with St. Patrick's Church until about the reign of Edward VI. It is of singular interest, I think, when we consider the rudeness of the times and the disorganized state of the country, to witness those continual efforts to introduce through an University the elements of humanity and civilization. Across that sanguinary scene of war and turbulence and bloodshed, flits from time to time this graceful vision of an University, appearing to-day, disappearing to-morrow, re-appearing on an after day—

"Par levibus ventis, volucrique simillima somno,"

but, unhappily, never able to root itself on a firm foundation in the soil, like the Universities of England, or like those of Scotland at a corresponding date.

We have now, Sir, reached the reign of Elizabeth; and here we find that great man Sir Henry Sydney, the Lord Deputy, whose fame has been, I think, unreasonably and unjustly obscured by the more brilliant but not more solid reputation of his son, petitioning the Queen, in 1568, for the revival of the University. In 1585 Sir John Parrott, who had then succeeded to the office of Lord Deputy, proposed to dissolve St. Patrick's Church, for the purpose of founding two Universities, but Archbishop Loftus objected to that proceeding as sacrilegious. Some critical observers put another and less favourable interpretation on the objection—I do not know whether justly or not; but there is some allegation as to the granting of leases of portions of the property to blood relations. However, Archbishop Loftus afterwards himself proposed the plan which has ultimately expanded itself into the present University of Dublin. He obtained a grant of the Monastery of All Hallows, near Dublin, and he prevailed upon Queen Elizabeth to found a college in Dublin, which college was to be *Mater Universitatis.* It is important to know what was the meaning of that expression. I will give my own version of it, and with the more confidence, because something like it has been given already by one whom I look upon as the highest of all the authorities who have dealt with the curious history of the University of Dublin—namely, the very learned Dr. Todd, so long and honourably connected with that University. For 150 or 200 years all efforts to found a University alone had been vain; again and again it had dissolved into thin air. In the reign of Queen Elizabeth a completely different policy was adopted, and instead of beginning with the University, it was determined to begin with the College. They, therefore, founded a College, and it was incorporated, but they did not incorporate the University, which, as a University, remains to this day unincorporated. I think that policy was a wise and sagacious one. The men of that time appear to have reasoned thus — "Hitherto, the University has pined and died from want of the proper material to sustain it. We will supply the material which will feed the sacred flame; for it is not here as it was in England, where the University grew as it were spontaneously, in obedience to demand, to supply a thirst for learning. If we plant firmly a nucleus of teachers and scholars, around it will gather a body of men, out of which a real and solid University will hereafter grow." They therefore planted their College and called it *Mater Universitatis*, meaning thereby that from the College a University was to spring up, and that other Colleges were to appear from time to time within its precincts.

Now, Sir, it may appear to some that I am talking strangely when I speak thus; but I will make good, briefly and I think conclusively, that, according to the original design of the University of Dublin—and as to the continued remembrance, and as to the maintenance of that design I will give you evidence for 200 years, from the date of Queen Elizabeth's foundation—there were to be and there ought to be other Colleges in the University of Dublin. In 1600, the College having only begun to take students in 1593, the first "commencement," as it was termed, was held, showing that the University was in action as distinct from the College, and this at the close of the first period, when a course of study had been completed by the very first pupils. In 1615, or some say a little earlier, the University statutes were published, and by them, with modifications, the University has been governed to this day. This was done by the College. It was to be a *Mater Universitatis*, and it was not unfaithful to its trust. Undoubtedly —and it is a large part of the case I have to state—the original design has not been fulfilled; but I do not say it was the fault of the persons connected with the College. It was the fault and misfortune of the times, for not only were efforts made to found new Colleges in Dublin in the 17th century, but those efforts took some effect; and I find that no less than four Colleges and Halls are on record. One was founded as soon as 1604—only 11 years after the commencement of the practical operations of Trinity College — namely, Woodward's Hall. Trinity Hall was founded in 1617, and that, I think, is the one which took some root as a medical College, and subsisted down to about 1689. In 1630 New College was founded, and in the same year St. Stephen's or Kildare Hall. It is shown by these imperfect foundations, made at a time when the mother College was itself still immaturely established, that those who followed the founders of 1593 were anxious to give effect to their design of multiplying Colleges around Trinity College, which should share in the enjoyment of the same privileges; and thereby to bring into existence the true idea of a University, as it had been understood, and as it already existed in England, which was the model they had before their eyes. But this, Sir, is not all. I will show further that the most solemn and important public documents have again and again referred to the intention of founding new Colleges in the University. In 1613 James I. gave the University of Dublin the right of being represented by two Members in the Irish Parliament, and in giving it, after mentioning Trinity College, he speaks of "*aliorum collegiorum sive aularum in dictâ Universitate in posterum erigendarum ac stabiliendarum.*" In his view, therefore, other Colleges were to be founded in Dublin. In 1662 the Act of Settlement empowered the Lord Lieutenant to erect another College, to be of the University of Dublin, to be called King's College, and to be endowed with any amount of property from the forfeited estates not exexceeding the then very large sum of £2,000 a-year. The last, and perhaps the most curious, indication I will give is of the date of 1793. The disabilities which excluded Roman Catholics from Trinity College and the University of Dublin were then removed by law; and an Act was passed which, while it provided that they might enter Trinity College, but not share in the endowments of the College, further provided that—"Papists might take degrees, Fellowships, or Professorships in anyCollege to be hereafter founded under that Act," subject to the double condition that such College was not to be founded for the education of Papists alone, excluding all other persons, and that it was to be a member of the University of Dublin. I think, then, I have shown with regard to that University that, according to the spirit and intent of its foundation, it is a scheme which, noble in itself, remains unfulfilled, and, consequently, presents the strange anomalies in its constitution to which I have referred. I wish to quote, in a few words, the legal opinion of Baron Fitzgerald, given, I think, in 1858, with regard to the scope of Dublin University, and to the question how far it is conformable to its plan that it should include other Colleges with Trinity College. It is not for me, speaking among many eminent lawyers, to draw a distinction among members of the Irish Bar, but as far as I can judge from what I have heard of the opinions and writings of Baron Fitzgerald on this subject, he certainly carries in my eye the appearance of a man of very considerable weight, ability and authority in his profession. After reasoning upon other matters, he says—

> "The consequences of this would of course be that by the mere creation of any other College in the University, each and every student (*studiosus*) admitted to it, whether belonging to that new College or corporation or not, would become entitled to the University privileges."

I think I have now sufficiently indicated the historical ground upon which we feel that in dealing with this intricate and most important question it is much better to go to the root of the matter, to deal with it thoroughly, and to propound to Parliament a plan which, from its comprehensiveness and solidity, might afford promise of giving peace and of offering finality in that limited but reasonable sense in which alone it is applicable to human affairs; and I propound with some confidence to the House that the University of Dublin, as distinct from Trinity College, is the ancient, historic, national University of the country, that its constitution is in a state of the strangest anomalies, that it calls for reform, and that it is this University within the precincts of which the reform now projected for Ireland ought to take effect.

This seems to be the point in the course of my statement at which I ought to refer to the Queen's Colleges and the Queen's University. We have looked carefully at the state of the Queen's Colleges, and we have arrived at the conclusion that the College of Belfast is strongly and solidly founded, and is eminently adapted to meet the wishes and wants of a large portion of the population in the North of Ireland. We also think that the College of Cork, although not perhaps so solidly founded as Belfast, although not at any rate invested with so large a promise of expansion under favourable circumstances, presents what may be called a very fair Parliamentary case, from the number of persons it trains, as well as the efficiency of that training. With regard to Galway College, we have arrived at a different conclusion. I am now speaking, remember, of matter which is not of the essence of the plan of the Government. The essence of the plan lies in what relates to the University of Dublin and to Trinity College. The propositions I now make are collateral to the main portion of the plan, and may be dealt with apart from it, but from a sense of their merits we are disposed to urge them strongly on the House. Galway College, if it has not materially declined, cannot certainly be said to have advanced of late years. The whole number of matriculated students in 1870-71, the Return for which is now, I believe, laid on the Table, was only 117, of whom half were medical students; and I may observe that, however excellent professional schools may be, they are not institutions which have the largest claims on the taxpayers of this country. They are rather in the nature of self-supporting institutions. Education in Arts does not directly lead, as a general rule, to remuneration; but education in Medicine will, I hope, always prove its own reward; and the whole number of students in Arts in Galway, whom I point out as the more proper objects of a public foundation—if public foundation there is to be—is only about 30. However invidious it may be to look to pounds, shillings, and pence in these matters, and although there come from Galway a certain number of very well-instructed men, even the best article cannot be viewed without some regard to the price, and it is only right I should tell the House that the charge on the Consolidated Fund and other expenses of Galway College amount to £10,000 a-year. I have called for an account of the charge to the Exchequer of every pupil in the College, and the Return given me is this:—The cost per annum to the public of every pupil is £77; the cost of every pupil carried on to a degree in Arts is £231, and the cost of every graduate in Law—I confess I grudge this the most, for I know no class which can plead less in the way of necessity for public subvention than our respected friends the lawyers—is £308. The medical charge is lower. We get a doctor—and in almost every case, I am happy to say, a very efficient doctor—for £154. Now, under these circumstances, we doubt and more than doubt, whether, when so much better arrangements are about to be made for the people of Ireland, so large a sum of public money ought permanently to continue to be applied to the purposes of Galway College. We are disposed, therefore, to recommend, with every proper consideration for vested interests in the Galway College, that measures should be taken for winding-up within a reasonable time its transactions. The measure we propose is that the Council of the Queen's University, which will not certainly be adverse to the College, shall frame a scheme for winding-up its operations at some period before the 1st of January, 1876, a time which will allow everyone connected with the College ample time to finish his career.

I pass on now to the Queen's University. The Queen's University and the Colleges, as a whole, have in my opinion rendered great service to Ireland, and if they have been prevented, as they have been prevented, from doing a great deal more good, it has been by an unhappy, if not even a strange combination of influences. I know not whether any one supposes me to be actuated by a sentiment of either open or latent hostility to the Queen's Colleges; but this I may say, that when many objected to them I spoke and voted as an independent Member of Parliament for their foundation in 1845, and have never ceased to wish them well. But now I wish to do an act of justice. It is quite true that the main cause of their comparative failure has lain in the operation of ecclesiastical influence from the Roman side. This influence, however, has been accepted, appropriated, and made their own by a very large portion of the members of the Roman Catholic Church. But what I wish to point out—and it is only fair to point it out—is this: The first blow, and it was a very serious blow, struck at the Queen's Colleges, was not struck from that quarter. There never was a plan, I believe, devised in a spirit of more tender regard for religion than the plan of the Queen's Colleges as it was framed by Sir Robert Peel and Sir James Graham; and those who will look back to the provisions of the Act which established the Colleges in 1845 will see the most distinct indications of their desire, on the one hand, to keep the State out of the vortex of polemical differences, and, on the other hand, to give the utmost possible facilities, to all who were so disposed, for making direct provision for instruction in religion within the walls of appropriate buildings, and in immediate connection with the Colleges themselves. These provisions most unhappily proved abortive; but who was it that struck the first blow? On the very night when the Bill was introduced by Sir Robert Peel or Sir James Graham, my much lamented Friend Sir Robert Inglis, as Member for the University of Oxford, felt it incumbent on him in the discharge of his duty to rise in his place and denounce them as a "gigantic scheme of Godless education." And again, at the end of the debate on the second reading, so far from softening or withdrawing the language he had used, he felt it a matter of honour to repeat it and insist on it. After that declaration so made, it was perhaps not very easy for the representative of Orthodoxy in Rome to accept as sufficiently religious for Rome what the representative of Orthodoxy in Oxford had repudiated and condemned as not sufficiently religious for Oxford. I here speak of the Colleges as a whole, and it will be distinctly understood why with these views we think that the Belfast College and the Cork College should be maintained; although with respect to Galway College the case is different, and we are of opinion that, without the smallest imputation on the teachers in it, the heavy charge it imposes is not warranted by the results. I come now to the Queen's University. We regard its influence as unmixedly good, so far as it goes; but I doubt very much whether, if we succeed in reorganizing, opening, enlarging, and liberally endowing the University of Dublin, it would be for the interest of the Queen's University to maintain a separate existence by its side. Let me point out these considerations. In the first place, if, where there are only three Colleges, and where the professors of the Colleges form the whole staff of the University—the University is not very strong, obviously it has nothing to spare—take away one of the Colleges, and the University will be weaker than it was before. In the next place we must expect, as a matter of course, that these Colleges will have to suffer more or less from the competition of an enlarged and effective University of Dublin, and from the greater liberty which will now be secured, especially for Roman Catholics, in choosing the place of their education. In the third place, if we leave it as it is, it will be excluded from those liberal endowments which we hope will be possessed and enjoyed by the University of Dublin. And, lastly, it will have no share in that great advantage—the privilege of Parliamentary representation—which the University of Dublin enjoys, and which I hope that University will always enjoy. For these reasons, and not in any penal sense, not believing that the institution is not a beneficial institution, but with a view to the yet greater advantage of those who now profit by its existence, we are of opinion that it will be a wise course if Parliament should be disposed to say that the Queen's University, which was brought into existence merely to answer the purposes of the Colleges, shall pass over into the enlarged and remodelled University of Dublin.

I come now to the question of the practical principles on which we hope Parliament will conduct that great academic reform to which I have pointed by means of the measure we are about to introduce. By what principles are we to be guided in that reform? Parliament has been recently engaged in reforming the Universities of Oxford and Cambridge; it has laid down very sound principles with respect to these Universities; these principles have not reached their fullest development, but still there they are; they have received deliberate sanction, and it is upon these principles that we propose to go with respect to the University of Dublin and Trinity College. What, then, are the great principles upon which Parliament has acted with respect to the English Universities? First of all, it has abolished tests. Upon this point there is practically no difference of opinion, because while the whole Liberal politicians of the country have desired that abolition for its own sake, under the circumstances of the time that boon is freely offered with an open hand by the authorities of Trinity College and the University of Dublin itself. But this is a negative rather than a positive reform. The next principle has been to open endowments. Where endowments are tied up by particular provisions in such a way as to render them the monopoly of comparatively few, Parliament has endeavoured to widen the access, and to increase the number of those who may compete for them, with the conviction that that is the way to render them more fruitful of beneficial results. The next, and perhaps most important principle has been to emancipate the University from the Colleges. That is what we did at once in Oxford, and we did it in two ways. The first of them was the establishment of a new Governing Body. In Cambridge, the *Caput*, supplemented by conventional meetings of the Heads of Houses, in Oxford more formally the Hebdomadal Board, composed almost wholly of the Heads of Colleges—were in practical possession of the initiative, and were the rulers of the University. We abolished the Hebdomadal Board in Oxford and the *Caput* in Cambridge, and carried over the powers in each case to the Council. And now similarly, that we should establish a new governing body for the University of Dublin is evidently the conclusion to which both principle and policy should bring us. The other great measure of emancipation consisted in the introduction within the Universities of members not belonging to any College at all. Until within the last few years, no one could belong to the University of Oxford or of Cambridge without belonging to some College or Hall within it, just as now no one can belong to the University of Dublin without belonging also to Trinity College. Parliament enabled the English Universities to enlarge their borders by taking in members not belonging to any College or Hall. Speaking for Oxford, I rejoice to say that Act has been fruitful of good; and already, although the change is a very recent one, there are 120 young men to be found in the University enjoying all the benefits of careful training, but all able to pursue a social scheme of their own, to live as economically as they please, to seek knowledge in the way they like best, provided they conform to the rules of the University; and we may reasonably expect that a very powerful element of University life will in this way ultimately be established. Another method by which we have proceeded—I will not say to emancipate the Universities, but to make the Colleges conducive to the purposes of the University—is a very important one, and that is, to use a very emphatic little word, by "taxing" the Colleges for the benefit of the Universities. That is a principle which has already received in Oxford a considerable development. We already oblige Corpus Christi, Magdalen, and All Souls Colleges to maintain Professors out of the College revenues, not for College but for University purposes; and as for Christ Church, with which I have been myself connected, though a poor College in comparison with Trinity College—I greatly doubt whether it is half as wealthy—yet in Christ Church five Professorships of Divinity, at a cost of probably between £7,000 and £8,000 a year, are maintained out of the property of the College for the benefit of the University.

These, Sir, are the principles of academic reform on which we have proceeded in England. There are other principles which it would be necessary to observe in Ireland, in consequence of her peculiar circumstances; yet these are the main ones. But there are two points among those which the special case of Ireland brings before us, that I must particularly notice. To the one I would refer with some satisfaction—at least as regards Trinity College—to the other with pain. It is this. If we are about to found a University in Ireland in which we hope to unite together persons of the different religious persuasions into which the community is divided, we must be content to see some limitations of academical teaching. It would not be safe, in our opinion, to enter with our eyes open into largely controverted subjects. In theology no one would wish the University of Dublin, if it be reformed, to teach; and we also think there are some other subjects with regard to which it will be necessary to observe limitations that I will presently explain. There is another matter on which we must pursue a course somewhat different from that taken in England. In England, when we reformed the Universities, we may say we did nothing to increase the influence of the Crown. In Ireland, as far as Trinity College is concerned, I should not propose to increase the influence of the Crown. It appears to me that it may be safely limited. But if we are to have an effective and living Dublin University with a new Governing Body, I am afraid it will be necessary to introduce for a time the action of Parliament and of the Crown in consequence of the unbalanced state of the University at the present moment—a state which must continue at all events for a time. When the University arrives at a condition in which the nation can be said to be fairly represented in it, then I think the desire of Parliament will be to carry over to the University itself, as far as may be, the power of electing all its own officers and Governing Body, and to see it thrive upon those principles of academic freedom which have been allowed so much of scope in this country, on the whole with such beneficial results.

Well, Sir, these are the principles on which we propose to proceed. And, now, if the Committee will still have the kindness to follow me, I will endeavour to describe the mode in which those principles will be applied to the University of Dublin. And first, Sir, I must say it is necessary for clearness that the Committee should carefully keep in view three separate periods of time. The first period of time laid down in the Bill is the 1st of January, 1875. It is on the 1st of January, 1875, that we propose that the powers now exercised by the Provost and seven Senior Fellows of Trinity College as towards the University shall be handed over to the new Governing Body, just as in the English Universities the powers of the Hebdomadal Board and less exactly those of the Cambridge Heads were handed over to the new Governing Bodies, which represented mixed and diversified academic forces. The second period, after the 1st of January, 1875, is one of 10 years, which we look upon as a provisional period, during which it will be necessary to make some special provisions that I will by-and-by state summarily to the Committee. After the 1st of January, 1885, we think we may reckon that the new scheme will in all likelihood have developed itself so largely and so freely that the permanent system of government of the University may with safety be brought into play.

I now proceed to explain the leading provisions of the Bill. First of all, the University is to be incorporated by the present Bill — a process which it has never yet undergone. The Universities of this country are incorporated; and it is more convenient and seemly that they should be incorporated than that a particular part—namely, the Senate, as now —should be incorporated in a manner quite contrary to the analogy of our academical history. The second provision I will name is this—the separation of the theological faculty. We propose to sever the theological faculty both from Trinity College, and from the University of Dublin. It appears to us that a measure of that kind follows naturally and of necessity from the changes that have already occurred in Ireland, and from the changes which have been offered on the part of the University and of Trinity College. I own it is not altogether without regret that I personally accede to that measure, for this reason:—I think that the University of Dublin has exercised a most beneficial influence over the religious character, tone, and tendencies of a large and important portion of the Irish nation. But still I freely and advisedly believe that we are right in holding that this theological faculty ought now to be severed both from the University and from the College. The details of the operation will be found described in the clauses of the Bill from 10 to 15; and the method we pursue is this:—It is as nearly as possible analogous to the method pursued under the Church Act in the case of Maynooth College. We hand over the care of the theological faculty to the Representative Body of the Disestablished Church. We make provision—I hope ample provision—for the vested interests of the persons now holding office in the theological faculty, or discharging duties in that faculty, as far as those duties are concerned. We provide that private endowments which have been created for the purposes of the theological faculty shall pass over to the Representative Body—that Body to be subject to the same responsibilities as Trinity College will lie under, if the Bill be adopted, with reference to the private endowments in Trinity College. With regard to the rest of the change affecting the theological faculty, we propose to follow exactly the analogy of Maynooth. We ask you to grant 15 years' purchase of the annual expense; that is, a sum equal to 15 times the annual expense is to be handed over to the Representative Body, to be administered in trust for the purposes for which the theological faculty has existed. And, lastly, as the theological faculty—severed from the University and from the College—will no longer appear nor have accommodation in the buildings already existing, we propose that there should be a charge on the property of the College of £15,000 to provide buildings for the theological faculty. So much as to the theological faculty.

I now come to the substantive and positive portion of our proposal, which I will describe as succinctly as I can. The principal parts and organs of the University of Dublin, as we propose that they should stand in its detached and reformed condition, are these:—First of all there is the Chancellor of the University. The case of the Chancellorship of the University of Dublin is a very peculiar one, in this respect, that he is scarcely—I speak subject to correction—more than a nominal officer so far as regards the University. He has, indeed, the privilege of appointing the Vice Chancellor, but then the Vice Chancellor is, unfortunately, no less nominal than himself; for all that they can do is, when they are permitted by the College, to preside in the Senate; and when they preside there they are liable to be stopped at any moment by the action of the authorities of the College. But, although he is a nominal officer as to the University, he is not so as to the College. In virtue of his office of Chancellor of the University, he is Visitor of the College. As Visitor of the College he has all the ordinary powers of the Visitor of a College; and besides those ordinary powers he has another real and important power — namely, that his assent to the statutes of the College is required, I think, in certain rather important cases, to give them validity. And so we have had to consider, in detaching and severing the College functions from those of the University, what course to pursue as to the Chancellor. The course we recommend is this:—We think it better, under all the circumstances, to continue the Chancellor of the University as—if I may so speak—an ornamental officer of the University, and, that being so, to attach the Chancellorship to the person of the Lord Lieutenant for the time being. This is not a question of making over an operative State influence. If it were so, the case would be materially altered. But, viewing all the difficulties which beset any other manner of proceeding, we recommend this as least open to objection. The Vice Chancellor we propose to leave it to the new Governing Body to elect from among themselves. He will, therefore, be a real officer, with real functions—namely, those which attach to the Chair of the Governing Body. But we also make provision that the present distinguished Chancellor of the University (Lord Cairns) shall not, by the action of the Bill, be divested of those substantive powers which he possesses—powers, namely, which accrue to him in the character of Visitor of Trinity College, and the whole of which will be carefully preserved. That, Sir, is the proposal with respect to the Chancellor and the Vice Chancellor.

Now, from what I have said, the House will readily understand that an important part of our proposal goes to fulfil that which has remained unfulfilled in the past by introducing new Colleges into the University of Dublin. If the House should adopt the suggestions that we have made with regard to the Queen's University and Queen's Colleges, the two first of such Colleges naturally will be those of Belfast and Cork. We shall also propose in Committee on the Bill, if agreeable to the parties, that the two voluntary institutions to which I think I have already referred—namely, the College which is called the Roman Catholic University and the Magee College—should become Colleges of the University of Dublin. I will afterwards explain what the effect of that will be. But, Sir, I by no means assume it as certain that these are the only Colleges in Ireland which might advantageously be joined to the University. We have not had the opportunity—it was impossible in the privacy which these matters require—of carrying on those communications with the parties able to inform us, which would be necessary in order to enable Parliament or to enable ourselves to form a judgment on the subject. When the Bill is placed in the hands of Members—which I have little doubt will be to-morrow morning—it will be seen that the first operative clauses enact that the Colleges enumerated in the Schedule to the Bill shall become Colleges of the University of Dublin. In turning to that Schedule it will be found that it is in blank; but I have already named four Colleges which it is our intention, if the parties are willing, to propose to insert in it when we go into Committee on the measure. And in the time that may elapse—possibly a month—before we go into Committee, we shall probably receive further information to enable us to judge whether it is desirable or not to lengthen the list. Of course, as I have stated, we do not confine ourselves to the collegiate element, but also allow persons to matriculate in the University without belonging to any College at all.

The next change which I have to mention is probably the most important of all; it is the constitution of the new Governing Body of the University of Dublin. I have shown that we strictly follow the analogy of English legislation in substituting a new Governing Body for the old one, and as a necessary step in the process of emancipating—I do not use the word in any invidious sense—or detaching the University. But in the case of Oxford and Cambridge we had, already supplied to our hands, a large, free, well-balanced and composed constituency, to which we could at once intrust the election of the new Governing Body. This, it is evident, is not the case with respect to the University of Dublin. Were the new Governing Body to be elected at once by the Senate of the University of Dublin, it would represent one influence, and one influence only. We have, therefore, determined to introduce an intermediate or provisional period, and we shall not ask Parliament to place in the hands of the Crown the nomination of the Council which is to govern the University for that period; but, passing by the Crown, shall ask the Legislature itself in the main to nominate the list of persons for that purpose. I need hardly say that we are not now prepared to bring that list of persons before the House. It would be impossible for us to do it. It was impossible for us to ask gentlemen of eminence in Ireland to allow us to propose their names until we were aware of the general view which they would be disposed to take of the plans of the Government and of the intentions of Parliament; and I have already explained the reasons why it has not been within our power to hold any such communications. There is, however, one point on which I wish not to be misunderstood, and that is the principle on which we shall endeavour to make the selection of names which we shall submit to Parliament. There is, indeed, another class of members of the Council, to whom I shall presently refer; but I speak now of the names we shall submit to Parliament of members whom I propose to call the ordinary members of the Council. They are 28 in number, and will form the principal and therefore the predominating portion of the Council. These names of ordinary members we shall endeavour to submit to Parliament, not as representatives of religious bodies as such, but on wider grounds. For we think that the lists should be composed —without excluding any class or any man on account of his religious profession—from among all those persons in Ireland who, from their special knowledge or position, or from their experience, ability, character, and influence, may be best qualified at once to guard and to promote the work of academic education in Ireland. That is the principle on which we wish to make our choice, so far as we are concerned, and if we make it amiss, it will be in the power of Parliament to correct it.

I will next, Sir, proceed to describe the manner in which the Council is to be brought into action. It will be necessary for it to perform certain preliminary functions before the 1st of January, 1875. It will have to matriculate students, to complete its number as I shall presently explain, and to make appointments of officers, so far as may be needed, to prepare it for entering on its career of full authority. On the 1st of January, 1875, it will take over those powers of ordinary government which have hitherto been exercised by the Provost and seven Senior Fellows of Trinity College. It will have the power to admit new Colleges over and above those named in the Act; it will have a general power of governing the University, and the function of appointing Professors and Examiners; and it is only in respect to the method of its own election that it will remain under an intermediate or provisional constitution until it reaches the year 1885, when its constitution will assume its permanent form. The composition of the Council will be made complete from the first. But I have not yet fully described the mode of its appointment. There will be the 28 ordinary members to be named in the statute, as I have already mentioned. During the 10 years from 1875 to 1885—the provisional period—there will be, probably no great number, but still a certain number of vacancies in the Body which it will be necessary for us to make provision to fill up. For that limited period we propose that the vacancies should be filled alternately by the Crown and by co-optation on the part of the Council itself. At the expiration of the 10 years it will come to its permanent constitution, and I will describe what that, as we propose it, is to be; and then the Committee will be able to judge of the meaning of what I said when I stated that our desire was that the University of Dublin should be founded, as far as possible, on principles of academic freedom. After 10 years, we propose that service on the Council shall be divided into four terms of seven years each, four members retiring in each successive year. There will therefore be four vacancies among the 28 ordinary members to be filled up every year, and these four vacancies we propose shall be filled in rotation—first, by the Crown; secondly, by the Council itself; thirdly, by the Professors of the University; and fourthly, by the Senate of the University. There is a separate provision with regard to casual vacancies in the Council, to which I need not now more particularly refer. The ordinary members will constitute, according to the proposal of the Government, the main stock or material of the Council or Governing Body of the University; but we have been very desirous to see in what way that which we aim at may meet the general wants and wishes of the people of Ireland; and, considering how desirable it is to prevent the action of too strong an unitarian principle—I have, I believe, ample authority for using that word, which is familiar in the present politics of Germany—we have been very anxious to discover in what manner it might be possible to give to those bodies, which I have described as Colleges of the University, a fair opportunity, not of governing the action of the Council by any exertion of influence or combination among themselves, but of being heard in the Council, so that all views and desires with respect to education might be fairly brought into open discussion, and that right might have the best chance of prevailing. It is evident we could not adopt the system under which any one College should be allowed to send to the Council a large number of members. It is also evident that it would not be safe to adopt a system under which Colleges, insignificant in magnitude, should be permitted to claim a representation in the Council. What we wish is this—that considerable Colleges, which represent a large section of the community and of its educating force, should have a fair opportunity of making their voice heard in the Council. With regard to all those dangers which would be likely to arise from too great a rigour of unity in the examinations, or too narrow a choice in their subjects and tone, though we introduce several other provisions on the point into the Bill, it is to the freedom and elasticity of the Council itself, I think, that we should look as the main security against anything either inequitable or unwise. We propose, then, that there shall be in the Council from the outset—that is to say, from the 1st of January, 1875—a certain number of what we call collegiate members, the basis of whose position in the Council will be that any College of the University which has 50 of its matriculated students, those students being *in statu pupillari* matriculated also as members of the University, may send one member to the Council, and if such College have 150 students, then it may send two members. That would be the maximum; and this element, so far as we can judge, while it ought to be and will be secondary in point of numbers, would become very valuable and necessary for the purpose to which I have just adverted. The Senate of the University of Dublin, as it now exists, does not, I may observe, discharge one of the living and standing duties which a University is called upon to perform. I mean the election of Representatives to be sent to Parliament. The election of Representatives for the Dublin University is mainly conducted by gentlemen who, except for that purpose, do not belong to the University at all—that is to say, who have ceased to belong to it, and who are empowered to exercise with regard to it no other function. What we propose is that henceforward the Senate shall elect the Representatives of the University. The Senate will, of course, consist of all those who are now in it, and of all the doctors and masters who may hereafter have their names kept on it according to the rules which may be in force. I need not add that care will be taken that all those individuals who are now intrusted with the privilege of the franchise will have their rights preserved; but, for the future, we should lay down the principle that the Members for the University ought to be elected by the Senate as they now are by the Senate of Cambridge and the Convocation of Oxford, and by them alone. As to the duty of the Senate, it will be to discharge the duties heretofore discharged by the old Senate of the University, and to share in the election of the Council in the manner I have described after the provisional period has passed, and the permanent constitution comes into play.

I hope it is now understood what our proposal is with regard to the constitution of the University. And now as to those who are to compose it. I need not say that all the members of Trinity College will remain where they are. With regard to the Queen's University, we should propose to absorb the whole of its members in the Senate and the body of the University of Dublin, together with all the privileges which now attach to their respective degrees or standing. There is a further provision which we have made in order to accelerate that consummation which we all desire—namely, the rapid introduction into the University of Dublin of those varied elements that we hope will vindicate for it the title of a truly national institution. There is no difficulty in the matter as far as Trinity College and the Queen's Colleges are concerned; because their *alumni* have already undergone University education in a recognised institution. But how are we to deal with Magee College and with any other Roman Catholic Colleges which have not any academic *status* in the eye of the State, and which, therefore, cannot be treated by this Bill as if they had been heretofore possessed of this advantage? In our opinion it would be a great hardship on those Colleges, if their *alumni* were to be absolutely excluded from the Dublin University. We have, however, only a limited power in the matter, and what we propose in their favour is a temporary provision to the effect that, during the first three years after January, 1875, the University may, if it shall think fit, introduce into it, subject to examination, persons who have not been at any University, or College of an University, but who shall be certified to have resided for any given time as students of any College which is henceforward to belong to the University, and that an arrangement shall be made to give to such persons the advantage of the Terms which they shall have already kept.

I shall now proceed to detail the securities for conscience that will be taken in framing the constitution of the renovated University. The Committee will have gathered from what I have said that this University is to be a teaching as well as an examining University; but it is to teach under conditions in some respects limited. It can have no chair in theology; and we have arrived at the conclusion that the most safe and prudent course we can adopt is to preclude the University from the establishment of chairs in two other subjects, which, however important in themselves in an educational point of view, would be likely to give rise to hopeless contention; and were we to propose that the new University should be at liberty to establish chairs in respect of them, we should be running the most fatal risk of introducing misgiving and mistrust, which might be fatal, with regard to the rights of conscience in the new University. The two subjects to which I refer are philosophy and modern history. [*Laughter.*] I do not mean that the study of natural science is to be omitted from the list of chairs, I only refer to that of moral and metaphysical philosophy. We feel that our asking for the foundation of chairs in these subjects would be impossible in the case of a mixed University, unless we gave up all hope of obtaining for that University the general confidence of the Irish people. And permit me to say that by excluding theology from the University we do very little if in that University, under the circumstances of the present day, we appoint authorised teachers in certain branches of philosophy, because all the deepest questions of religious belief are at this moment contested, partly, indeed, within the theological precinct, but even more so in the domain of ethics, and especially of metaphysics. The House may or may not overrule the Government in this matter; but, at any rate, that is the conclusion at which we have arrived with reference to this question.

There is another important security for the rights of conscience with respect to the same subjects which I will mention to the House. We propose that no one shall be examined for his degree in modern history or philosophy, as I have defined it, except with his own free will. We do not think it necessary to exclude these subjects from the examination, provided the submission to examination in them is voluntary. As I have said already, the University is to be a teaching University; but we propose to extend the voluntary principle still further, and to provide that as a rule no attendance upon the lectures of the University Professors shall be compulsorily required from the students. We intend to trust to the excellence of the instruction which will be given, and to the vast advantages the University will enjoy from being placed in the metropolis of Ireland for the attraction of students to it; but we propose to make the attendance upon the lectures of its Professors voluntary. We propose, also, to exclude the two subjects I have lately named from the examinations for the emoluments of the University. From the examinations for honours we do not propose to exclude them, and for this reason. It is perfectly practicable to adopt the system of a positive standard as regards examinations even for honours, and you may bring up to that standard any number of men who show themselves competent to reach it; but as regards emoluments, the competition must be between man and man; what one gains the other must lose, and therefore we think it the best and safest method of managing these emoluments to provide that these men should meet upon a common ground upon which all can equally consent to be examined. There are some other provisions of the same kind in the Bill, because I need not say that these securities for conscience are among the most important safeguards of the Bill, and unless they are effective we cannot expect the Bill to work, neither should we desire it to be accepted by the House. Among these, we have provided a clause somewhat analogous to one which appears in the Education Act with reference to the punishment of masters who persistently offend against the conscientious scruples of the children whose education they conduct. We provide that a teacher in the University may be punished or reprimanded if he wilfully offends the conscientious scruples of those whom he instructs in the exercise of his office. But I am bound to say that the main security for the rights of conscience on which we rely is such a representation of all parties, within moderate and safe limits, in the body of the Council, as can be usefully and beneficially introduced into its constitution.

The next and the last of the more difficult subjects I shall have to lay before you is that which relates to the contribution which Trinity College will have to make to the University of Dublin. It appeared to us in reference to this subject that one principle was absolute, and could not be made the subject of discussion in this House. That was the principle that the present office bearers and teachers in Trinity College should not be made losers by the direct operation of the Act. The charge resulting from the adoption of this principle will probably amount on a rough estimate to about one-half of the entire value of the property of the College. If this mode of proceeding should be adopted for giving security to their interests, we shall propose that the residue of the property of the College shall be divided into two moieties, one of which shall pass to the new University, and the other shall remain the property of the College. The proposition will, of course, leave untouched the income derived by the College from voluntary payments. This is a principle on which we have already acted to some extent in England; but at present we have not carried it out so far as will, I apprehend, be thought necessary in future. A Commission is at present sitting for the purpose of examining into the property of the Universities and Colleges in England, and there cannot be a doubt, from such knowledge of opinions as I possess, that when that Commission reports, it will be found necessary, after making the most liberal provision for the wants of the Colleges themselves, that considerable sums, especially in Cambridge, where the principle has as yet been applied only to a very limited extent, will be available for the requirements of the University. It is only fair that, as the degrees conferred by the Universities bring people to the Colleges, the latter should contribute to the support of the former. And it will especially be fair to adopt this principle with regard to Trinity College, seeing that it has received all its endowments not simply for performing the duties and functions of a College but also that it might be *mater universitatis*, that its means might be available for an University. The property of Trinity College is estimated in round numbers at £55,000 a year. Between an increase in the amount of the rents and the interest of a large sum of money which it will receive on account of its ecclesiastical advowsons it will immediately have an increment of £7,000 or £8,000 a year. The voluntary payments amount to about £23,000 a year, making in all £86,000 a year prospectively, and £78,000 at present. Its expenses are stated at £66,000 a year and some hundreds, and there is a surplus of receipts above expenditure of £11,600. Under these circumstances, what we propose to do I will now explain. That mode of proceeding to which I lately referred—namely, the mode of charging the property with the vested interests and providing for a division of the ultimate residue—although it proceeds upon an intelligible principle, yet in practice would be operose, slow, and perhaps vexatious as to details. It would give room for differences of opinion. We have therefore placed a provision for giving effect to that proceeding only in a Schedule to the Bill. In the Bill itself we have introduced provisions of a very simple character, to this effect—that upon the property of Trinity College there shall be laid a charge of £12,000 a year, to be redeemed within 14 years, and at 25 years' purchase. I have already stated that the surplus revenue over its expenditure is more than £11,000; and £12,000 a year, deducted from £78,000, which appears to be the total receipt, would leave £66,000, or, deducted from £55,000 a year, the present estimated property of Trinity College, it would leave £43,000 a year, with an immediate impending increment of £7,000 or £8,000, making an endowment from these sources equivalent to about £50,000 a year. In truth, after making the charge of contribution which we propose to take for the benefit of the University, Trinity College would remain perhaps the wealthiest College in existence in Christendom. At any rate I am aware of only one rival—namely, Trinity College, Cambridge, which educates and teaches nearly the same number as are educated and taught in Trinity College, Dublin. Undoubtedly there are other influences that would act on Trinity College in connection with this Bill. It will lose its profits from degrees, which are stated at £2,300 per annum. But there are various provisions in the Bill which would enable Trinity College to economise its operations, and I must say, without fear of offence, that there are great and needful economies to be effected in Trinity College itself. We have introduced into this Bill a provision intended to facilitate the transfer in certain cases of Trinity College Professors to University Chairs. There may be cases in which Trinity College, as discharging the duties of an University, had to incur the expense of maintaining a very large and complete staff of Chairs where we think it might be for the convenience and advantage of all parties that in some of those instances Trinity College might make over its Professors to the University, and with its Professors the charge of maintaining them. These are the leading provisions, which I think contain the essential outline of the plan, so far as Trinity College is concerned.

I will now point out, in a very few words, what would be the position of the University according to our proposition with respect to what it will require in order to full efficiency, and with respect to the sources from which the money is to be had. We think this University of Dublin, if it is to be the great national University of Ireland in accordance with its original design, should be liberally supplied—first, with the means of teaching; and, secondly, with the means of encouraging and rewarding study. We have not inserted in the Bill any of the provisions which I am now going to sketch, but it is right that I should state to the House what our views are; because it may be thought expedient when we come to the Committee on the Bill actually to determine the amount of the property which shall be placed at the disposal of the University of Dublin. We think there might be ten fellowships, of £200 a year each, given annually by way of reward, and tenable for five years, which, for fifty fellowships in all, would entail a charge of £10,000. We think there might be 25 annual exhibitions of £50 each, tenable for four years, which would entail a total charge, when they were in full operation, of £5,000. We think there might be 100 bursaries a year of £25 each, tenable for four years, creating an annual charge of £2,500 or in the whole £10,000. These bursaries would be of the greatest advantage in stimulating the youth of Ireland; and to establish them would be to do something analogous to that which has been done with such great advantage by private benefactors in Scotland for the encouragement of study in the Scotch Universities. These grants for the encouragement and reward of study would in the whole amount to £25,000 a year. The charge for the professors' chairs might possibly be from £15,000 to £20,000 a year more, which might create a charge of £45,000 a year. The other charges would be those for examinations, for the ordinary government of the University, and for the buildings which would be necessary for lecturing and teaching purposes. £12,000 a year, as I have said, is the contribution of Trinity College to University purposes from the fulfilment of which it is to be relieved. £10,000 a year is the equivalent, or very nearly, of what the Consolidated Fund now pays for Galway College and the Queen's University. We conceive that a further sum of £5,000 a year may be obtained for the University by means of fees on a very moderate scale. Our view is that for the remainder of the money required for the purposes of the University we may most properly and beneficially resort to the surplus of the ecclesiastical property of Ireland. It will be remembered that this surplus is to be made available for the national wants of Ireland. The present state of things with regard to it is this. The property of the Irish Church was estimated at £16,000,000. The amount charged upon it from all sources in connection with the liquidation of the Maynooth Grant, the liquidation of the *Regium Donum*, and all the rest was taken at £11,000,000, and the surplus at £5,000,000. I am told that no more precise estimate can be given at this date. Parliament has legislatively declared that that surplus shall be mainly, but it has not said that it shall be exclusively, devoted to the relief of corporal wants and necessities. If that devotion to corporal wants and necessities is not to be exclusive, I know no more just purpose to which the residue could be applied than in aiding the funds of the new University. In our opinion it would be most just to make a call upon a portion, though it need be only a very limited portion, of the surplus ecclesiastical property of Ireland.

There are only two other points that I have to name in the very lengthened statement which I am inflicting upon the House. We do not propose to introduce into this Bill any plan for the internal reform of Trinity College. So far as we are concerned, we wish to place in the Governing Body of Trinity the same confidence that they will effect, or suggest, all necessary reforms as has been placed in the Governing Bodies of the English Colleges. We propose to relieve it from its absolute dependence upon the Crown; and to place it upon the same footing as that on which the Colleges of Oxford and Cambridge now stand—namely, the footing on which they are authorized to prepare schemes for the regulation of their own government, which schemes, when they have gone through the ordeal of being passed by the Queen in Council, may have the force of law. As I am reminded by my right hon. Friend (Mr. Cardwell), we have, of course, framed clauses for the purpose of at once opening the offices and emoluments of Trinity College, without any religious test. I took this matter so much for granted that I had almost omitted to mention it.

I have thus ventured to sketch the measure we propose for establishing a free—if I may not say an emancipated—University of Dublin. Let me say a word or two now as to the future position of the Colleges in that University. Trinity College, as I have shown, will undoubtedly no longer have the exclusive power of granting degrees, though it must always largely influence by its intrinsic weight the movements of the University. It will have a certain diminution of income by the contribution we shall take from it; and it may, I grant, with respect especially to its non-resident students, undergo a certain diminution in numbers, and thus the amount of its voluntary payments. But what will it have upon the other side? In the first place, it will have, as I hope, a termination to controversy—at least, to all political controversy. It will remain, as I trust, in its outward dwelling unchanged. There will be nothing to break the course of its traditions. Long—I trust for generations and for ages—it will continue to dispense, more unrestrainedly than ever, the blessings of a liberal culture. It will enjoy self-governing powers, subject only to a reasonable control, and free, I think, from all apprehension of vexatious interference. It will undoubtedly receive some new form of constitution, in which the important and valuable Working Body of Trinity College will exercise far more power than it exercises now, which, indeed, is only moral power, whereas the actual power of the actual Teaching Body of Trinity College, if I understand aright, is none whatever. The present University statutes and the existing system of examination in Trinity College will necessarily form the starting-point for the proceedings of Dublin University, and it will be for the Council of Dublin University to consider how far these may require either expansion or modification. Trinity College will have the means of being heard in the Council, because there will be more, many more, than 150 of its members—of the matriculated students of Trinity College—who will be members of Dublin University; and it must therefore have the power of sending two members to the Council. Its students will have access to a large number of additional emoluments. But here arises a question. Is it fair that those who already possess the rich emoluments of Trinity College should have free access to the emoluments of the University of Dublin, such as I have sketched them? The fair rule, as we think, will be this:—In our opinion it would not be right or wise to enact any exclusion of any person belonging to the University from competition for the emoluments of the University in respect to his belonging to any particular body, however richly endowed; but we propose to provide that no holder of public academical emoluments in Ireland—and in the interpretation clause we have defined what we mean by public academical emoluments—shall hold any one of the emoluments, encouragements or rewards of the new University, without surrendering the prior academic emoluments which he holds. The effect will be that a member of Trinity College will have everything thrown open to him; but he must not hold both his own and the University emoluments. He must take his choice, and I suppose he will choose to take the best, whichever it may be. This limitation of pluralities, so to call them, has reference to emoluments of encouragement and reward, not to teaching offices. For example, with regard to the Junior Fellows of Trinity College, there will be no such limitation, for it would be absurd to apply the rule to a Junior Fellow receiving only £40 a-year—and, I believe, £40 Irish from his Fellowship—and the rest of his income from his labour. Trinity College will have, upon the whole, access to a large number of academic emoluments; and, in common with every other College in Dublin, and especially with the Roman Catholic University College, it will enjoy one, as I think, very great advantage to which I have not yet referred. The University will place at its doors, not an absolutely complete, but a nearly complete, staff of professional chairs. These chairs will, I hope, be held with tolerably liberal remuneration by men of high reputation, and it will be in the power either of Trinity College, or of the Roman Catholic College, or of any College, to consider whether it shall be at the expense of maintaining chairs, which may in certain cases entail a corresponding charge, heavy in proportion to their importance; or whether it shall avail itself, without any charge at all beyond a moderate fee, of lectures which will be delivered at its doors. All these appear to me to be important compensating considerations, so far as Trinity College is concerned.

Now, what will be the position of voluntary Colleges? and I hope they may somewhat multiply, though a Roman Catholic College is the only one actually existing in Dublin. They will enjoy an entire freedom as to internal government. With respect to ecclesiastical and lay power, I submit that in those voluntary institutions the parties must settle this question among themselves. If it passes their wisdom to do it, it passes our wisdom too. All we can do is to give them an open career and fair play; and I think it will be seen that the access to University degrees will henceforth be perfectly free to the members of these Colleges. Together with free access to University degrees, there will be free access to University emoluments upon a large scale for them and for all Ireland. If their numbers entitle them to send one, or possibly in some rare case, two members to the Council, they will have the power to make their view, whatever it may be, known in the Council, and they will, if in Dublin, have the same power to economize their own resources to whatever extent they may think fit by making use of the chairs of the University. If more than this be asked—if it be said "this is not establishing the equality we want to establish between the Roman Catholics and Trinity College"—my answer is plain. It is that Trinity College is a public institution. It has been, and it will remain, under a certain control by the Crown and by Parliament. But more than that, it is an institution which—although I admit the operation of this change must be very slow—has voluntarily renounced its denominational safeguards, and which proposes to make the whole of its emoluments and offices accessible to all Irishmen who may be its members, entirely irrespective of religious distinctions. Parliament has adopted for many years in its policy the principle that these are the Colleges to which alone public endowments shall be given. And if I am told, on the other hand, that Trinity College has a great start in the race, while among Roman Catholics, and to a certain extent among Presbyterians, almost everything has still to be organized, I admit the fact; but I know of no cure save one—to strip Trinity College bare of its estates and to destroy its whole machinery. Such a proceeding would really be the creation of solitude in order to call it peace. But it is a remedy which has never been tolerated or even heard of, and never would be tolerated or, I hope, heard of, within the walls of the British Parliament.

Sir, I feel that the House of Commons must look forward to the end of this speech with much the same feeling as it generally looks forward to the end of the Session, and that the sense of relief when it arrives will be very much the same. I have very few words more to speak. This is an important—I would almost say, considering the many classes it concerns and the many topics it involves, it is almost a solemn subject; solemn from the issues which depend upon it. We have approached it with the desire to soothe and not exasperate. I hope that in the lengthened address I have delivered to the House I have not said anything that can offend. If I have been so unfortunate, it is entirely contrary to my intention and my honest wish. We, Sir, have done our best. We have not spared labour and application in the preparation of this certainly complicated, and, I venture to hope, also comprehensive, plan. We have sought to provide a complete remedy for what we thought, and for what we have long marked and held up to public attention as a palpable grievance—a grievance of conscience. But we have not thought that, in removing that grievance, we were discharging either the whole or the main part of our duty. It is one thing to clear away obstructions from the ground; it is another to raise the fabric. And the fabric which we seek to raise is a substantive, organized system, under which all the sons of Ireland, be their professions, be their opinions what they may, may freely meet in their own ancient, noble, historic University for the advancement of learning in that country. The removal of grievance is the negative portion of the project; the substantive and positive part of it, academic reform. We do not ask the House to embark upon a scheme which can be described as one of mere innovation. We ask you now to give to Ireland that which has been long desired, which has been often attempted, but which has never been attained; and we ask you to give it to Ireland, in founding yourselves upon the principles on which you have already acted in the Universities of England. We commit the plan to the prudence and the patriotism of this House, which we have so often experienced, and in which the country places, as we well know, an entire confidence. I will not lay stress upon the evils which will flow from its failure, from its rejection, in prolonging and embittering the controversies which have for many, for too many years been suffered to exist. I would rather dwell upon a more pleasing prospect—upon my hope, even upon my belief, that this plan in its essential features may meet with the approval of the House and of the country. At any rate, I am convinced that if it be your pleasure to adopt it, you will by its means enable Irishmen to raise their country to a height in the sphere of human culture such as will be worthy of the genius of the people, and such as may, perhaps, emulate those oldest, and possibly best, traditions of her history upon which Ireland still so fondly dwells.

Mr. DISRAELI: I rise, Sir, merely to obtain a clearer idea than I have at present as to the day fixed for the second reading of the Bill. I collect that the right hon. Gentleman contemplates the possibility of going into Committee in a month's time. Without at all wishing to obstruct its progress, I would suggest to the right hon. Gentleman, that for the consideration of a measure so large and so complicated, a period of three weeks should be allowed before the second reading.

Mr. GLADSTONE said, he had no objection to name Monday fortnight for the second reading. Much longer intervals were granted between the stages of great measures now than was formerly the case. The Government were bound to expedite the public business; and, therefore, although very desirous of giving hon. Members whatever time they could reasonably ask, he did not think, when he remembered that there were other measures in the rear of the present with which they could not make progress until it was disposed of, he could name a later day than Monday fortnight. The Bill would be in the hands of hon. Members to-morrow, and he did not think they would find it as complex as from his speech they might be led to infer.

Mr. DISRAELI reminded the right hon. Gentleman that the House had parted with some of its privileges in order to expedite public business and assist the Government. They were, therefore, entitled to have a full opportunity for the due consideration of a measure which, from the manner in which it had been introduced, and from its position in the Queen's Speech, must be regarded as of the utmost importance. He trusted the right hon. Gentleman would re-consider his determination and fix a later day for the second reading.

Mr. MITCHELL HENRY said, he feared that the Bill would strike at the root of University education in Ireland. He did not think that the people of that country would be content with the education proposed to be provided, which was so inferior to that of which the people of England and Scotland could avail themselves. The Government were attempting to reconcile things which were irreconcilable, and, in point of fact, to repeat the blunder of the Queen's Colleges. He protested against the proposed exclusion of moral philosophy and modern history, and declared that the proper designation of the measure would be a Bill for the Destruction of University Education in Ireland, and the substitution of another system, the like of which was not to be found in any other portion of the globe. It was impossible that Roman Catholics with their views, and the Protestants with their views, could ever be welded into one system of University teaching, although they might submit to a common system of University examination, making special provision for subjects upon which there was no agreement. This Bill, however, was for the foundation of a teaching University; and to get over the difficulties which stood in the way of all attempts to bring about a united system of education in Ireland—to proclaim peace where there was no peace—they actually provided for the interdiction of two of the most important subjects in the whole range of education—namely, modern history and moral philosophy. Thus, in its very birth, they sowed the seeds of the incompleteness and inferiority of Irish University Education to that which existed in England, where the religious difficulty did not encounter them; and the consequence must necessarily be to stamp Irish degrees with inferiority, and to drive the best men more and more to Oxford and Cambridge, and thus still further to provincialize Ireland. If these considerations would not at last rouse Irishmen to unite and look to their own interests, he did not know what would have that effect. He sincerely trusted that there would be an attempt on both sides of the House, and of Members from all parts of Ireland of all shades of politics, to examine this measure, not in the interests of England, not for the purpose of reconciling the political exigencies of the day, but for the purpose of really advancing learning in Ireland. He greatly regretted that the Queen's College in Galway was to be done away with, and nothing be substituted for it. It was true that it had failed; but why had it failed? Because they insisted on forcing on the Irish people of the West, a system of secular education which was alien to their religious instincts, and the Government would do an essential service to the cause of education by converting that College into an intermediate school from which religion would not be banished. The Queen's Colleges had failed, and the scheme which the Government now proposed would not be attended with greater success. It was based on the same error—a bending of everything to the wishes of English Protestants, and a real disregard of the feelings and instincts of an essentially Catholic nation.

MR. PLUNKET said, he thought it would not be well to enter upon a discussion of the Bill until it was placed before them. He could not, however, let the occasion pass without thanking the right hon. Gentleman for the handsome terms in which he had referred to the noble institution which he (Mr. Plunket) had the honour to represent. He earnestly appealed to the right hon. Gentleman to allow at least three weeks to elapse before the second reading, for there was a very intricate proposal to consider before coming to a determination on the subject.

SIR FREDERICK W. HEYGATE said, it was of the utmost importance that not only the House, but the country, should carefully examine the proposal of the Government. He hoped that ample time would be given for that purpose.

MR. AUBERON HERBERT inquired whether buildings for teaching purposes would be provided in connection with the Colleges?

MR. GLADSTONE said, that they would; Trinity College would retain its own buildings. With respect to the second reading, he thought that when hon. Members had the Bill in their hands they would find it much less complex than they imagined. The day he had named was as long as had been allowed for any of the great measures of recent times, and he might remind the House that Lord Grey's great Reform Bill was read after a much shorter interval.

Motion *agreed to.*

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill for the extension of University Education in Ireland.

Resolution *reported:* — Bill *ordered* to be brought in by Mr. GLADSTONE and The Marquess of HARTINGTON.

Bill *presented,* and read the first time. [Bill 55.]

BASTARDY LAWS AMENDMENT BILL.

[BILL 33.] SECOND READING.

(*Mr. Charley, Mr. Thomas Hughes, Mr. Eykyn, Mr. Whitwell.*)

Order for Second Reading read.

MR. CHARLEY, in moving that the Bill be now read a second time, said, its object was to remedy two grievances which had arisen since last Session. The first of these arose in consequence of the omission on the Report from the Bill of last Session of words enabling the mothers of illegitimate children born within six months before the passing of that measure to apply for summonses with a view to obtaining bastardy orders. The present measure proposed to remedy that grievance by placing all women whose illegitimate children were born prior to the passing of the measure of last Session under the operation of the old law. As there might be cases in which women had now lost their rights owing to effluxion of time, there was a special proviso that the mothers of illegitimate children born within twelve months before the passing of that Act should be able for six months after the passing of this measure to proceed for bastardy orders. The other grievance to which he referred arose from a decision of Mr. D'Eyncourt, magistrate at the Marylebone Police Court, that the words "such evidence" in the 8th section of the Act meant evidence similar to that which must be given by the mother on applying for the summons, and not merely evidence similar to that which must be given by her at the hearing of the case. This Bill provided that the words "such evidence" in the 8th section meant the evidence of the mother corroborated in some material particular by other evidence. The grievances that had arisen were temporary; but he believed that the social benefits which would result from the adoption of the measure of last Session would be permanent.

Motion *agreed to.*

Bill read a second time, and *committed* for *Thursday* next.

TRIBUNALS OF COMMERCE BILL.

On Motion of Mr. WHITWELL, Bill for the Establishment of Tribunals of Commerce, *ordered* to be brought in by Mr. WHITWELL, Mr. NORWOOD, Mr. BIRLEY, and Mr. HICK.

Bill *presented,* and read the first time. [Bill 57.]

LABOURERS' COTTAGES BILL.

On Motion of Mr. WHITWELL, Bill for facilitating the acquisition of Land and its transfer for Cottages for the Manual Labour Class, *ordered* to be brought in by Mr. WHITWELL and Mr. WREN-HOSKYNS.

Bill *presented,* and read the first time. [Bill 58.]

PORTPATRICK HARBOUR (REPEAL OF ACTS) BILL.

On Motion of Mr. ARTHUR PEEL, Bill to repeal the Acts relating to the Harbour of Portpatrick in Scotland, *ordered* to be brought in by Mr. ARTHUR PEEL and Mr. CHICHESTER FORTESCUE.

SALMON FISHERIES (NO. 2) BILL.

On Motion of Mr. DODDS, Bill to amend the Laws relating to Salmon Fisheries in England and Wales, *ordered* to be brought in by Mr. DODDS, Lord KENSINGTON, and Mr. PEASE.

Bill *presented*, and read the first time. [Bill 60.]

REGISTRATION OF FIRMS BILL.

On Motion of Mr. NORWOOD, Bill for the Registration of certain Firms carrying on business in the United Kingdom, *ordered* to be brought in by Mr. NORWOOD, Mr. CHARLES TURNER, Mr. WHITWELL, and Mr. BARNETT.

Bill *presented*, and read the first time. [Bill 59.]

House adjourned at half after Eight o'clock.

HOUSE OF LORDS,

Friday, 14*th February*, 1873.

MINUTES.]—PUBLIC BILLS—*First Reading*—Landlord and Tenant (Ireland) Act, 1870, Amendment * (15).

Second Reading—Cove Chapel, Tiverton, Marriages Legalization * [11].

Committee—Report—Turks and Caicos Islands (2).

LANDLORD AND TENANT (IRELAND) ACT, 1870.

MOTION FOR RETURNS.

THE EARL OF LEITRIM moved that there be laid before the House, Copies of the several proceedings under the Landlord and Tenant (Ireland) Act, in which James Doolan, the Reverend Samuel B. Stevenson, Michael Friel were the respective Claimants *v.* the Earl of Leitrim, Respondent. The noble Earl said, that his object in moving for these Papers was not to bring before their Lordships the hardship of his own case, but to protect the property of others from the operation of a hard and oppressive law which would not be tolerated in any country. He had by the decision of the Court, formed under the Irish Act, been deprived, under circumstances of great injustice, of considerable property. The noble Earl proceeded to state in a very low voice the particulars of the actions of which he complained; and concluded by moving for the production of the Papers.

THE EARL OF LONGFORD said, that although his experience of the Land Act had not been quite so unfortunate as that of his noble Friend, he also had been brought into Court to resist a very extortionate claim, and the decision which was given against him was, in his opinion, a singularly unreasonable one. The experience of other landlords in Ireland was similar, while the tenants, for whose benefit the Act was passed, were also complaining of it, and were forming associations to claim still further concessions. One result of the Act had been that one of the most popular and respected noblemen of Ireland (the Duke of Leinster) had found himself denounced as a tyrant because he had proposed to his tenants a form of lease which was drawn up in accordance with the very terms of the Land Act. His own experience was this—that he had been quite unable to find that the effects of the Act, in any direction, had tended to the benefit either of the landlords or the tenants of Ireland.

THE EARL OF BELMORE said, that in criticizing the administration of the law in Ireland it was not easy to do so without seeming to attack the Judges who administered it, which he certainly did not mean to do on that occasion. He thought that where the Land Act had, in its working, given cause of complaint to the landowner was not in its administration so much as in its vagueness, and in its daring departure from the ordinary principles which govern legislation. With regard to the latter, it was now too late to say anything, but he would make a few remarks on the indefiniteness of the law. Last year, in Lord Lifford's Committee, he had come to the conclusion that it would not be advisable to abolish the Chairman's Court, and he had used what influence he possessed with his noble Friend, in preparing the Report, to carry out that view. But he then held, and he still held, a strong opinion on the subject of the evils arising from the vagueness of the law. As regarded the Ulster tenant-right custom, Parliament had deliberately cast upon the Judges the duty which it ought to have performed itself of defining that custom. Sometimes the vagueness of a law arose from accident.

For instance, in the Licensing Act of last year, according to an opinion of the Irish Law Officers it was provided that before a man be convicted of drunkenness the Bench must ask him if he had goods whereupon to levy a fine. That, no doubt, was owing to a slip; but in the matter of tenant-right the indefiniteness was deliberate. He thought that although Parliament had declined this duty a very good definition had been recently arrived at by the chairman of his own county, an able Roman Catholic barrister, who laid down certain leading features—such as the tenant's right to what the law professed to give him, and the landlord's right to an increase of rent from time to time—which might form a good basis for legislation. Moreover, he found tenants complaining from their own point of view of this indefiniteness, and instanced what occurred at a recent interview between some of them and Mr. Verner, at the recent Armagh election. If the law were settled, landlords and tenants could make their own arrangements without going into court, and save the expenses which went into the lawyer's pockets. Then, as regarded the excessive amounts awarded for compensation in some instances for tenant-right, his noble Friend (Lord Leitrim) had quoted one case in which he had to pay nearly 34 years' purchase. They all knew that the fee-simple of the land was not worth that. He looked at the result of some recent sales in his own part of the country, and he found that the lots averaged from 25½ years' purchase, the highest, to less than 20 years', the lowest. These amounts for tenant-right compensation were, no doubt, arrived at on the evidence of experts; and they all knew what that was worth. There was no appeal from the Judge to the Court for Land Cases Reserved on questions of value; and the money thus paid, instead of going to improve the country, probably would be taken out of the country altogether. Clubs were springing up in all parts of the country. Some said that the Act was a delusion and a snare, and demanded fixity of tenure, which would reduce the landlord, in a generation or two, to the position of an owner of head-rents. Others—and these were in the North—did not go so far; but they asked for a right to sell to the highest bidder in the open market, only allowing the landlord a right of pre-emption on paying what the highest bidder would give; land being limited in quantity, fancy prices would be, no doubt, offered—more, in fact, than the article was worth, and certainly more than the landlord should be called on to pay if he wished to resume possession of his property. No honest man would ask to increase his rents through the tenant's own improvement, as was sometimes alleged to be the case; but the price of articles was rising, the value of gold falling, and with the increase of mining enterprise in the Australian Colonies, would, no doubt, continue to fall, and the letting value of the land might fairly be expected to rise from that cause. He made these remarks in no party spirit. This matter should no longer be dealt with as a party question, but as a purely economic one. The question, no doubt, would settle itself in time, when capital had been driven out of the country; but as a person desirous of advancing the prosperity of the country, and of maintaining good relations between owners and occupiers, and putting a stop to the growth of a spirit of litigation and distrust between them, he did earnestly urge upon their Lordships the duty of so amending the law as would put an end to its present vagueness and uncertainty.

THE EARL OF KIMBERLEY said, he thought their Lordships would agree with him that, as a general rule, it was not convenient that those who were unsuccessful in suits at law should move that copies of the judgments against them should be laid before Parliament; but as in this case the Returns moved for would illustrate the working of a law which was comparatively new, he thought the Motion of the noble Earl ought not to be resisted—especially as the cases themselves were of considerable importance. That they were difficult cases was obvious from the fact that the Judges themselves before whom they came were divided in opinion. With regard to the general question, he must admit that until from the working of the new Act the law was fully settled, there would be a difficulty in respect of the Ulster tenant-right. The usages themselves differed on different estates in that part of Ireland. His noble Friend who spoke last (the Earl of Belmore) found fault with the vagueness of the Act with respect to Ulster tenant-right. No doubt there was vagueness, but it had existed before the Act, and both the Government and Parliament deliberately abstained from giving an exact definition to Ulster tenant-right when the Bill was under discussion. Such was the complicated character of the usage that his right hon. Friend (Mr. Gladstone) had stated that, after endeavouring to find some definition for it, he gave the attempt up in despair. The safer course was then thought to be not to state more in the Act than that the Ulster usages were to be recognized, and to leave the definition for the decision of the Judges as the cases severally came before them. The vagueness was not attributable to the Act. The Ulster tenant-right had been a perpetual puzzle both to landlords and tenants, and he believed that if the Land Act had not been passed, the whole landlord right would have passed away bit by bit in the North of Ireland. That was the result of his own examination of the matter, and it disclosed a state of things with which it was difficult for Parliament to deal. The evidence taken by the Committee which had considered the working of the Land Act showed that though there were some difficulties, yet, on the whole, it was working so satisfactorily that it would be unadvisable to propose a change. If there were changes in a direction favourable to landlords, there would be at once an agitation for changes in the other direction. If, after sufficient experience, it was found that amendment was really required, of course it would be wrong not to amend; but, without some very conclusive reason, it would be very unwise to disturb such a settlement as the Irish Land Act; and therefore he could hold out no promise of a Bill to amend it. He did not blame the noble Earl (the Earl of Leitrim) for what he had said with respect to the working of the Act in question, and he had a perfect right to complain if he felt aggrieved; but, at the same time, he was confident that his noble Friend would own that his case had been fully argued, and that nothing had been spared in securing a full investigation of the subject. If the noble Earl struck out of his notice one set of papers, which were rather in the nature of a private correspondence, there would be no objection to his Motion.

Motion amended, and *agreed to.*

The Earl of Kimberley

TURKS AND CAICOS ISLANDS BILL.

(*The Earl of Kimberley.*)

(NO. 2.) COMMITTEE.

Order of the Day for the House to be put into a Committee, read.

THE EARL OF ROSEBERY asked, Whether his noble Friend the Secretary for the Colonies could give any more favourable account of the condition of the inhabitants of those Islands than what had appeared some time ago?

THE EARL OF KIMBERLEY said, it was true that there had been a great falling off in their salt trade owing to a hurricane a few years ago. This Bill would reduce the expenses of government in the Islands, and put the Islands under Sir John Grant, the Governor of Jamaica, who, if anyone could improve the condition of the inhabitants, was just the man to do so.

House in Committee accordingly.

Bill *reported,* without Amendment; and to be read 3ª on *Monday* next.

LANDLORD AND TENANT (IRELAND) ACT, 1870, AMENDMENT BILL [H.L.]

A Bill to amend the Landlord and Tenant (Ireland) Act, 1870—Was *presented* by The Earl of LEITRIM; read 1ª. (No. 15.)

House adjourned at half past Six o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 14*th February,* 1873.

MINUTES.]—SELECT COMMITTEE—Contagious Diseases (Animals), *appointed;* Imprisonment for Debt, *nominated;* Endowed Schools Act (1869), *nominated.*

SUPPLY—*considered in Committee*—Committee—R.P.

PUBLIC BILLS—*Ordered—First Reading*—Monastic and Conventual Institutions [62]; Drainage and Improvement of Lands (Ireland) Provisional Orders * [63].

First Reading—Portpatrick Harbour (Repeal of Acts) * [61].

Second Reading—Polling Districts (Ireland) * [1].

Second Reading—Referred to Select Committee—Union of Benefices * [28].

METROPOLITAN POLICE—LEGAL ADVICE.—QUESTION.

MR. STAPLETON asked the Secretary of State for the Home Department, Whether since the retirement of Sir Richard Mayne the Metropolitan Police have been without legal guidance in the initiation of important prosecutions; and whether, if that be so, it is desirable, in the opinion of the Government, that such a state of things should continue?

MR. BRUCE, in reply, said, the Chief Commissioner of Police enjoyed the same powers and had the same legal assistance as was given in the time of Sir Richard Mayne. Sir Richard Mayne, being then a barrister, was associated with an officer in the Army at the time of the formation of the Metropolitan Police, and on the retirement of Colonel Rowan Sir Richard Mayne became Chief Commissioner, and remained so, as was well known, for many years. During that time he laid it down as a principle of action not to act on his own opinion as a lawyer, but, when legal questions arose, to take a legal opinion. In important prosecutions he always had recourse to the Law Officers of the Crown. In all matters relating to the construction of Acts of Parliament he had recourse to the legal firm who were still the advisers of the Commissioners of Police. He must say that the system which had worked well in the time of Sir Richard Mayne worked well at the present moment, and he saw no reason to change it.

THE FACTORY ACT—ENFORCEMENT OF THE ACT.—QUESTION.

MR. C. DALRYMPLE asked the Secretary of State for the Home Department, Whether the Government intend to appoint local officers, under Her Majesty's Sub-Inspectors of Factories, in certain populous districts where small workshops are numerous, and the present Act for their better regulation remains a dead letter, owing to the want of sufficient inspection, to carry out the provisions of the Act, or to adopt any other course?

MR. BRUCE, in reply, said, he must admit that the Act was not so thoroughly enforced as he could wish in certain districts, owing largely to an unusual degree of sickness among the sub-Inspectors. He had considered various plans for remedying a failure which he hoped was only temporary; but he had not adopted the suggested appointment of local officers under the sub-Inspectors. School Boards had been elected in most populous districts, and had usually adopted the principle of compulsion. This would lead to careful inquiry into the attendance of children at schools, and he hoped the Inspectors would thus receive important co-operation. He could not judge how far this expectation would be realized; but it would be inexpedient to increase the number of Inspectors, unless it was made clearer that the present staff would be unequal to its work.

CRIMINAL LAW—CHATHAM CONVICT PRISON.—QUESTION.

MR. R. N. FOWLER asked the Secretary of State for the Home Department, Whether the Government intend to take any measures calculated to diminish the number of accidents, self-mutilations, and other injuries officially reported from Chatham Convict Prison in the last annual volume of the Directors of Convict Prisons in England and Wales (issued in the autumn of 1872), whereby it appears that out of an average of 1,692 convicts at Chatham there were, during the year, 1,725 admissions to the hospital (being more than one admission to every prisoner on the average), and 20 deaths; also an increase of abscesses from 153 to 270, and of ulcers from 98 to 247; and a further increase of contusions from accidents from 316 to 487, including 17 cases of prisoners purposely fracturing their arms or legs (by thrusting them under waggons and engines), and 24 cases of purposely self-inflicted wounds; the prison surgeon adding to the Report in reference to these self-mutilations that they were "of so severe a character that amputation was immediately necessary in most cases, as the limbs were so mangled as to preclude any hope of recovery?"

MR. BRUCE, in reply, said, his attention was called some time ago to the Report of the surgeon at Chatham Prison. Although malingering had always been practised among convicts — to whom, as the idlest of mankind, work was the greatest punishment they could undergo —it did not exist to the same extent at Portsmouth and Portland as at Chatham. During 1871 it did not increase in the former prisons, in one, indeed, there was, he thought, a decrease. The increase at Chatham was certainly startling, and the only explanation as yet afforded him was that the work, being the excavation of ground for the formation of docks, was very severe. It was therefore very distasteful to the convicts, and they had recourse to more than the ordinary extent to various disabling practices. Some of them created, as they easily could, sores and ulcers, others broke their limbs, the great number of waggons used in the removal of earth giving special facilities for this, and others, doing what men often did in other countries to avoid the conscription, mutilated themselves. It was remarkable, however, that they always selected unloaded waggons, so as to disable themselves with the least serious consequences. The sudden increase in malingering called for special inquiry, which had for some time been on foot, with the view of explaining the difference between Chatham and the other prisons.

TRIBUNAL OF COMMERCE BILL.

QUESTION.

Mr. W. H. SMITH asked Mr. Attorney General, If his attention has been drawn to the Tribunal of Commerce Bill, introduced as a Private Bill; and, whether the sanction of the Law Officers of the Crown has been given to the measure?

The ATTORNEY GENERAL, in reply, said, his attention had been drawn to the Tribunal of Commerce Bill, which had been introduced as a Private Bill, but the sanction of the Law Officers of the Crown had certainly not been given to it. As the hon. Member had not asked whether their consent would be given, it would be superfluous to say anything on that point.

RUSSIAN SETTLEMENTS ON THE RIVER ATREK.—QUESTION.

Sir CHARLES W. DILKE asked the Under Secretary of State for Foreign Affairs, Whether he has any objection to lay upon the Table the Reports as to the Russian Settlements on or near the River Atrek, which have been made to the Foreign Office during the last three years by the representatives of Her Majesty at the Court of Teheran?

Viscount ENFIELD, in reply, said, the Reports on this subject would form part of the Papers relating to the Question of the hon. Member for Penrhyn (Mr. Eastwick), and would be presented to Parliament.

ARMY—MONCREIFF CARRIAGES.

QUESTION.

Major BEAUMONT asked the Secretary of State for War, If he has any objection to lay upon the Table of the House the Report of the Special Committee on Moncreiff Carriages, dated July 1872?

Sir HENRY STORKS: The Report asked for is one of a series on the Moncreiff gun-carriage, and the Committee are still pursuing their inquiries. It is unusual to give Reports until the investigations are concluded. When the Committee have sent in their final Report, the Secretary of State will consider the propriety of laying the series on the Table.

ARMY—REGIMENTAL FACINGS AND BADGES.—QUESTION.

Colonel NORTH asked the right hon. and gallant Gentleman (the Surveyor General of Ordnance), Whether the answer he gave him relative to the facings and badges of regiments of the Line was equally applicable to regiments of Militia?

Sir HENRY STORKS replied that they were equally applicable.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

DIPLOMATIC RELATIONS WITH THE VATICAN.

QUESTION. MOTION FOR PAPERS.

Mr. SINCLAIR AYTOUN: I rise to ask the Under Secretary of State for Foreign Affairs, What is the object with which the Government of this Country maintains an Envoy at Rome to the Pope, and what are the Instructions under which that Envoy has been and is now acting? I shall further move for Papers upon the subject. It is necessary that I should say a few words in order to explain the purport of my Question, and to show the importance of the information which I trust the House will obtain from the noble Lord. In the first place, I may remind the House that at the close of the Session a discussion took place with regard to the question whether or not the Government, in appointing an Envoy to the Vatican, were or were not acting in contravention of an Act of Parliament, passed in the year 1848, which rendered it lawful for the Government of this country to enter into diplomatic relations with the Sovereign of the Papal States. Upon the occasion to which I refer, the end of the month of July, or the beginning of the month of August, a discussion took place upon the question. It was contended by several hon. Members that the Government, in appointing Mr. Clarke Jervoise as Envoy to represent this country at the Vatican, were acting in contravention of the Act of 1848. Hon. Members who took this view of the question relied mainly upon those words in the Act of 1848, which rendered it lawful to appoint an Envoy to the Sovereign of the Roman States. But it was contended that the Sovereign of the Roman States was now the King of Italy, and that the words of the Act in no sense applied to the Pope, who had ceased to exercise any temporal power whatever. On the part of the Government, it was maintained that this was not the correct interpretation of the words of the Act, and the Attorney General made a speech, in which he endeavoured to show that the Government were perfectly justified in appointing an Envoy to the Pope. In the first place, he argued that the Pope was still a temporal Sovereign, and that he still exercised sovereignty over some portion of his territory, however minute that territory might be. He afterwards abandoned that argument, as supposing that the Pope still exercised sovereignty over a portion of the City of Rome, but the hon. and learned Gentleman defended the action of the Government upon this ground—I will quote four or five lines from the statement made by the Attorney General in justification of the conduct of the Government. He stated that the holding of intercourse with the Pope, be he Sovereign or not, had never been forbidden by law, and, in support of that position, the hon. and learned Gentleman cited the opinion of several eminent legal authorities, who had been consulted by former Governments as to the legality of entering into diplomatic relations with the Court of the Pope. He stated that these legal authorities had given it as their opinion that there was nothing to be found upon the Statute Book that rendered it unlawful to appoint an Envoy or a Minister to the Pope. But the hon. and learned Gentleman seemed to overlook the fact that all these opinions had been given before the passing of the Act of 1848. I wish now to call the attention of the House to the extraordinary consequences which would follow from the opinion expressed by the Attorney General, if he was correct in the opinion he expressed. The result would be that although the Government might ask the authority of the House in order to make action lawful, it would be justifiable and permissible on the part of the Government if, on finding that the Act did not meet the objects for which they had asked the House to pass it, for them to go back upon the Prerogative of the Crown, no matter what the interpretation of the Act itself might mean. I say, then, that if the Government are correct in the matter, and were it to act in that manner, the passing of Acts of Parliament would be a simple mockery. But the opinion of the Attorney General could not be supported by a reference to other and analogous cases. The power of the Crown with regard to coining money was long, I believe, without any limitation; in process of time it began to be disputed to what extent the Prerogative reached, and ultimately it was held by all the greatest lawyers of the country that the passing of an Act in the reign of George III. had finally settled the question that the Prerogative of the Crown in respect of the coining of money was extinct, because the authority of Parliament having been once revoked, it followed as a necessary consequence that the Prerogative was abandoned; therefore I say, in the case of this Act of 1848, authorising diplomatic relations with Rome, by the same reason Parliament, having been once consulted, and its authority invoked upon the question, it is not within the power of any Government to fall back upon the Prerogative, say whatever may be the interpretation of the Act, there was no opinion by high legal authorities in former times antecedent to the passing of that Act that there was no law to prevent the country from entering into diplomatic relations with the Pope of Rome. I do not wish to dwell upon this; but the question I wish to put to the noble Lord who represents the Foreign Office in this House is—"What is the object with which the Government of this country maintains an Envoy at Rome to the Pope, and what are the Instructions under which the Envoy has been, and is now, acting?" It appears to me to be a most extraordinary circumstance that we should have at the same time two Diplomatic Agents residing in the same city, one credited to the King of Italy, and the other an Envoy to the Pope. The reasons given for the appointment of an Envoy to the Pope, in addition to the Diplomatic Agent already accredited to the Court of the King of Italy, is, I believe, because the Pope does not regard the King of Italy as the legitimate Sovereign of what were formerly the Papal States, but as an usurper; and, consequently, he would not have any intercourse with the Minister accredited from this country to the Italian Court. That appears, however, to me to be a course in the highest degree insulting to the King of Italy, and not only to that Sovereign, but to the nations by whose will he has become Sovereign of the Papal States. It is, I say, a course in the highest degree insulting to that Sovereign and to the people of Italy, that this country should accredit a separate Envoy to the Pope on the ground that the King of Italy is regarded by the Pope as a usurper. I should like to have some information from the noble Lord whether he does not think that in sending an Envoy to the Pope in this manner we are not acting with that courtesy which we ought to observe towards the King of Italy. What I wish to learn from the noble Lord is—what is the object for which this country has maintained Mr. Clarke Jervoise as its Envoy at the Vatican, and what are the duties assigned to him—what is that he has to do as Envoy to the Vatican? It is perfectly clear that the duties of Mr. Clarke Jervoise must refer either to religious questions or to temporal questions. If the noble Lord states that he is commissioned to communicate with the Pope upon religious questions—upon questions arising out of the position of the Pope as head of the Roman Catholic Church—in which position he no doubt exercises great influence and authority over a large number of the subjects of this kingdom—if the noble Lord informs us that the object of Mr. Jervoise's appointment is to enable him to communicate with the Pope or his Ministers on questions of this nature, then, Sir, I think no other information would be required. It will then be perfectly clear what the object of the Government has been in adopting the extraordinary course of maintaining two Diplomatic Agents in the same city. But I do not anticipate that this will be the answer of the noble Lord. I expect the noble Lord will say that Mr. Clarke Jervoise has not received any instruction to communicate with the Pope or his Ministers upon questions of a purely religious character. I fully expect he will state that the subject on which Mr. Clarke Jervoise is commissioned to treat are subjects of temporal character. If that is the case, I cannot see why the Ministers accredited to the Court of Rome should not be perfectly competent to fulfil all the duties which I suppose Mr. Clarke Jervoise is expected to perform. The duties of a Diplomatic Agent are usually to attend to all the interests of the subjects of the country which he represents, whether in regard to matters of trade or questions affecting the personal interests of British subjects. For what reason is it that the Minister accredited to the King of Italy cannot perform this function? What is the real object and use of the particular Diplomatic Mission of Mr. Clarke Jervoise. I have endeavoured from the Papers which have already been laid before Parliament to discover the nature of the duties to which Mr. Clarke Jervoise has been engaged, and I find that he has interested himself upon a question relating to "Peter's Pence"—a certain sum of money sent from the Roman Catholics of this country to the Pope under the denomination of "Peter's Pence." It appears that some questions had been raised whether the sum of money derived from this source should not be confiscated by the

Italian Government, and the question has occupied the attention of Mr. Clarke Jervoise. He has also occupied himself with a question relating to the interests of various British subjects, one question having reference to an injury sustained by a vineyard belonging to a religious community at Rome. He also interested himself in various other questions involving the protection of the individual interests of British subjects. I wish to know upon what ground it is that questions of this kind, when any British subject conceives himself to be unjustly treated, are not referred at once to the Diplomatic Agent accredited to the Court of the Sovereign of that country? I want to know what it is that Mr. Clarke Jervoise does that might not be quite as well done by the Minister accredited to the King of Italy? I will conclude by putting the Question of which I have given Notice to the Under Secretary of State for Foreign Affairs, and I also beg to move for Papers in continuation of the Papers already laid before Parliament.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "there be laid before this House, a Copy of Papers (in continuation of a Paper [C—247], Session 1871, intituled 'Correspondence respecting the Affairs of Rome, 1870-71')," — (*Mr. Sinclair Aytoun,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Viscount ENFIELD had entertained the hope that the explanation which he had given on three successive occasions during the last Session, as to the position of Mr. Clarke Jervoise at Rome, would have been accepted by the House, and that no misapprehension would have prevailed as to the precise position of that gentleman. He would restate, as briefly as he could, the position of Mr. Clarke Jervoise at Rome. He was not an Envoy to the Papal See. He was not accredited, and had no instructions in the general sense with which Ambassadors, or Ministers, or Chargé d'Affaires were provided. He was a clerk in the Foreign Office, and was discharging special duties which might or might not cease at any moment. He did not form part of the staff of Her Majesty's Legation at Rome; he reported home independently. He (Viscount Enfield) stated, in reply to the hon. Member for Gloucester (Mr. Monk), on the 30th of July last, that—

> "If the Pope had recognized the King of Italy there would have been no further occasion for the services of Mr. Jervoise; but the Pope had not done so, and it was considered that it would be unfair if this country were left without any representative to discharge duties that had hitherto been discharged in connection with the Papal Court."—[3 *Hansard,* ccxiii. 156.]

And again, on the 9th of August, in reply to the hon. Member for North-east Lancashire (Mr. Holt), he stated that—

> "Mr. Jervoise had no definite position at Rome, but would report to the Foreign Office any information which might be communicated to him directly or indirectly in regard to the relation of the Papal Government with foreign Powers. That beyond this he had no general instructions, and his duties, as so defined, are understood, though not prescribed in writing." —*Ibid.* 840.]

He (Viscount Enfield) did not know that he had anything further to answer. Mr. Jervoise was kept on for the present at Rome, because the interest of Her Majesty's Roman Catholic subjects might at times require communication with the Pope, and as the Papal Government declined official intercourse with the representatives of foreign Powers accredited to the King of Italy, Mr. Jervoise was able to furnish information which otherwise Her Majesty's Government would probably not be able to receive. He (Viscount Enfield) repeated that Mr. Clarke Jervoise was not Envoy; that he was not Ambassador; that he was not Chargé d'Affaires or Consul General, and was not accredited in any sense of the word, but performed duties which were of a temporary character. He trusted these explanations would be satisfactory to the House.

Mr. NEWDEGATE: I quite remember this question being brought forward last Session, and the proceeding appeared to a great number of hon. Members, and to some of the most learned of our Members, illegal. There may be some excuse for saying that the position of Mr. Clarke Jervoise is not technically a violation of the Diplomatic Relations Act of 1848, which prohibits all diplomatic communication between the Government of this country, as represented by Her Majesty, and that of the Pope of Rome in his ecclesiastical character, or, in other words, with the Pope of Rome in any other character than as being then the Sovereign of the Pontifical States. His Holiness, having now ceased to be the Sovereign of the Pontifical States, and the prohibition of the Act being unchanged, it seems to me to be in full force. It appears to me also an anomaly, that Her Majesty's Government should recognize the determination of the Pope not to acknowledge the King of Italy, after Her Majesty's Government have themselves fully recognized that Sovereign. This is another point in regard to which I think the present state of things is anomalous. I can perfectly understand, that some of the *attachés* to the Embassy at the Italian Court might be empowered to obtain information as to the proceedings of the Pope. I cannot take upon myself to say, that the obtaining of such information would, *per se*, be a violation of the Act; but the position of Mr. Clarke Jervoise is clearly that of a negotiator, whether technically or formally accredited, or not; and therefore, in my opinion, and in the opinion of many learned Members of this House, it constitutes a violation of the intention and principle of the Diplomatic Relations Act of 1848. That opinion I retain, after hearing the answer of the noble Lord the Under Secretary for Foreign Affairs—in fact, the substance of that answer confirms the objection which is raised by the Motion of the hon. Member for Kirkcaldy. I cannot see, that the position is at all altered, and I must say, I think that this House ought to be in a condition hereafter to consider, whether the position of Mr. Clarke Jervoise, with reference to the Court of the King of Italy, should not be altered or abandoned, since the position of Mr. Clarke Jervoise at Rome seems to me an insult to the King of Italy. This question must arise when the House is asked for money to meet the expenses of the Mission which Mr. Clarke Jervoise now fulfils.

Mr. GLADSTONE said, he wished to point out to his hon. Friend who had made the Motion, as well as to the hon. Gentleman who had just sat down, that if there were anything in the particular point they had raised, the objection, whatever it was, applied just as much to the plan for which they seemed to contend as to that which they repudiated. Mr. Clarke Jervoise was in no sense an Envoy; but if they were right in thinking that it was contrary to law that the Queen should in any manner, through Lord Granville, employ a servant for the purpose of communication with the Pope, it was perfectly immaterial whether that servant was connected or not with Her Majesty's regular Legation. If the objection were a valid one—and the Government were advised that it was not valid—it would apply equally in both cases. He should oppose the production of the Papers moved for.

Question put.

The House *divided*:—Ayes 116; Noes 63: Majority 53.

TREATIES WITH FOREIGN POWERS.

RESOLUTION.

Mr. RYLANDS, who had given Notice to move—

> "That, in the opinion of this House, the Commercial Treaty recently negotiated with France, and all future Treaties between this country and Foreign Powers ought to be laid upon the Table of both Houses of Parliament before being ratified, in order that an opportunity may be afforded to both Houses of expressing their opinion upon the provisions of such Treaties,"

said: I have purposely framed this Motion in such general language that in agreeing to it the House will not be committed to any expression of opinion further than that in future Parliament shall have an effectual control over all Treaties that the Government of this country may enter into with foreign Powers. Such a result might be secured by one of three courses—namely, either by requiring an Address from Parliament in favour of a Treaty before ratification; or by making Treaties subject to the disapproval of Parliament; or by submitting all Treaties prior to ratification to the consideration of a Joint Committee of Members of both Houses. I express no opinion upon any of these courses; but I am anxious simply to obtain an acknowledgment of the principle of Parliamentary control, leaving the Government to suggest the best means of carrying the principle into effect. In making this proposal, I do not suppose that at the present day I shall be met with the objection that I am seeking to deprive the Crown of one of its Prerogatives. Indeed, two years ago there was great opposition on the part of hon. Gentlemen opposite to the exercise of the Royal Prerogative in the abolition of purchase in the Army. I did not concur in those views; but still it may be said that on both sides of the House the exertion of the Royal Prerogative was not regarded with favour. In fact, one Prerogative of the Crown after another has disappeared, and it is singular that this in reference to Treaties—one of the most dangerous—has lasted so long. No doubt the making of Treaties was in former ages a substantial Prerogative exercised by the King in his own right and frequently for his own personal interests. But that is now all changed. It is well understood that the Sovereign actually takes no part in making Treaties on behalf of this country with foreign Powers, but that the whole responsibility in the matter lies upon the Cabinet. And it is an extraordinary fact that whilst we refuse to allow the 15 right hon. Gentlemen sitting round the Cabinet table to pass a Turnpike Bill, or to lay a tax of a fraction of a penny in the pound, without the consent of Parliament, we invest them with absolute authority to pledge this country to undertakings that may lead in after times to war, and involve the people in enormous expenditure and in loss and disaster. *Blackstone* says that the right of the Executive to make Treaties is because it is "the sovereign power"—but the sovereign power now rests with the three estates of the realm, and it is with them and not with the Crown alone that the authority for making Treaties should now reside. This question naturally arose during the two past Sessions in connection with the discussion of the Treaty of Washington, and opinions were expressed by eminent Members of both Houses in favour of the policy which I am now advocating. In this House, my right hon. Friend the Member for Liskeard (Mr. Horsman), and my hon. Friend the Member for Waterford (Mr. Osborne), both urged the right of Parliament to control the treaty-making power; and similar opinions were expressed in the other House on June 12th, 1871, by a distinguished nobleman whose judgment will carry great weight with hon. Gentlemen on both sides. In the speech to which I refer, Lord Derby put the matter very clearly, and I am happy to fortify myself by quoting the following passage from his speech. He said—

> "No doubt there is a great deal to be said, both on theoretical and on practical grounds, for the principle that the Parliament and the country ought not to be bound by the acts of the Executive, whoever at the time may compose it, in making international treaties without having an opportunity of considering the merits of those treaties."—[3 *Hansard*, ccvi. 1854.]

In one of the discussions in this House to which I have alluded, the Prime Minister admitted that a great deal was to be said in favour of limiting the power of the Crown to conclude and ratify Treaties without the consent of Parliament; but he objected to it on the ground that it would be a very inconvenient system, and said that it would introduce open instead of secret diplomacy, giving as an instance of the serious effects of the "open system," the course taken by the Duc de Grammont in the French Chamber in making public declarations which destroyed the chance of the maintenance of peace with Prussia. But I respectfully submit that the right hon. Gentleman in urging these arguments entirely missed the point. The open system of diplomacy was expressly adopted by the Duc de Grammont for the purpose of exasperating the French people and of forcing on the war; but no one recommends a policy of that kind. No one for a moment proposes that pending negotiations shall be made public or that they should not go on, as they have hitherto done, in a confidential manner. But what I contend for is, that after Her Majesty's Government have carefully discussed—and with such secrecy as they may think necessary, in conjunction with the other parties concerned—the conditions of a proposed Treaty, the Treaty itself shall be submitted to Parliament. The Prime Minister said that if this course were adopted the negotiation of Treaties would be rendered more difficult. But that is not a very great objection. We have had too many Treaties. It would have been a very great advantage, instead of a disadvantage, if a large number of objectionable Treaties between this country and foreign Powers had never been entered into. If a proposed Treaty was manifestly for the public interest there would be no difficulty in getting the assent of Parliament; and clearly, if a majority of Parliament were opposed to any Treaty, it is only right that it should be dropped. The Senate of the United States have the power which I am asking for this House, and the National Assembly of France at the present moment possess the power, which they are about to exercise, of reviewing the Commercial Treaty just entered into with this country before it can receive the ratification of the President of the Republic. But in order to give the House the power which the Senate of the United States and the National Assembly of France possess, it is necessary that in the Treaty itself there should be an Article providing that the ratification shall be dependent upon the sanction of the Houses of Parliament being secured by Her Majesty's Government. The other evening, when I urged upon the Government the advantage of giving the House an opportunity of considering the French Treaty, the Prime Minister very courteously assured me that it would be immediately laid on the Table, and inasmuch as it would have to be considered by the National Assembly of France before it was ratified, there would be an opportunity afforded to hon. Members of the House to consider the matter. But while that is undoubtedly true, the fact of the Treaty being now in the possession of the House is merely an accidental circumstance, which practically gives Parliament no control. The position in which we are placed is this—that while under the 24th Article of the Treaty the assent of the National Assembly is to be obtained before the President of the Republic undertakes to ratify the Treaty, our Plenipotentiaries, as I understand, have come under the absolute obligation of ratifying the Treaty without reference to the action of Parliament. Precisely the same kind of accidental circumstance occurred in reference to the Washington Treaty in 1871, which was laid upon the Table of both Houses before it was ratified. Lord Russell took the opportunity, on the 12th of June, 1871, in the House of Lords, of moving an Address to the Crown, praying Her Majesty not to ratify the Treaty —and how was that Motion met? The House of Lords felt itself barred by the terms under which our Plenipotentiaries were appointed from interfering in the matter. A noble and learned Lord of very high authority (Lord Cairns), put the case very strongly. He contrasted the credentials of the Commissioners of the United States—which consisted merely of an authority to discuss and sign a Treaty subject to the ratification of the Senate—with the credentials of the Commissioners of Her Majesty conferring plenipotentiary powers. Those credentials were in the usual terms; but the noble and learned Lord thought them so important that he quoted them at length, and called attention to the fact that the Queen "engaged and promised upon the Royal word" that the acts of the Commissioners should be "agreed to, acknowledged, and accepted" by the Crown in the "fullest manner," and were to be taken with "equal force and efficacy" as if done by the Queen herself. Lord Cairns added—

> "I refer to these words for this purpose. I am as jealous as any of your Lordships can be to preserve intact and in full the proper power of Parliament; but I maintain that when a Treaty has been signed, as this Treaty has been, by plenipotentiaries possessing the powers I have read, the mere accidental circumstance that the ratifications have not been actually exchanged makes no difference to the substance though it may to the form; so that, to all intents and purposes, this Treaty is at this moment, in honour and honesty, as binding upon this country, according to the Constitution of the country, as if the ratifications had been actually exchanged."

The House of Lords were evidently impressed with this view of the case, and there was no division on Lord Russell's Resolution. In this House the Washington Treaty was not formally considered until subsequent to its ratification, and the right hon. Gentleman opposite (Sir Charles Adderley) who raised the discussion, admitted there was no power of interference. And yet, notwithstanding all this, the question is now raised as to whether Parliament is not equally with the Ministry responsible for the Treaty of Washington. The Chancellor of the Exchequer said the other night that the House is responsible for the "Three Rules," about which there had been so much discussion, because "the Washington Treaty was laid before Parliament, and therefore Parliament was cognizant of the Three Rules." My right hon. Friend the Member for Kilmarnock (Mr. Bouverie), very properly in my opinion, protested against this doctrine, and denied that the House of Commons were parties to the Treaty. He said—"It was the Crown that made the Treaty, and the Ministers of the Crown are responsible to Parliament." But I observe that the leading journal is pressing this charge of responsibility against us. Two or three days since *The Times* argued that—"Parliament, having the power by an Address to abrogate the Treaty acquiesced in it, and must therefore share the responsibility." It may be true that technically we had the power; but how was it possible to exercise it under the circumstances? The position of things was such that we could only have stopped the Treaty by an overthrow of the Government, with a great political convulsion, and with the occasion of fresh sources of quarrel with our brethren across the Atlantic. I have a very strong opinion that if the right of considering the terms of the Treaty had been reserved to Parliament, that right would have been effectually exercised, and that the blots in the Treaty would have been detected and cured. In fact, the main blot, even in the partial discussion which took place, was indicated. But the discovery came too late to be cured, and we were left for months in a state of great public anxiety lest the proposed Arbitration should fail. We learned with much surprise that one of the Commissioners, Professor Bernard, justified the dangerous ambiguity of the Treaty by giving reasons which sometimes make it necessary for diplomatists to avail themselves of "less accurate" language than they would otherwise employ. Of course the Foreign Office sanctioned this "less accurate" language. Yet the Foreign Office always prides itself upon its powers of accuracy of expression—they say the training of the service enables them to draw up diplomatic documents in language which shall be free from mistake; but I must say that my experience has shown that the Foreign Office has by no means succeeded in this object. The Washington Treaty was certainly a case in point. It appeared that certain expressions that might otherwise have been insisted upon had been yielded in order to avoid offending the susceptibilities of the Senate of the United States; but if our Commissioners at Washington had been able to say that the language they adopted must be such as was likely to be also accepted by the House of Commons, their position would have been strengthened, and the use of ambiguous language might have been avoided. I think altogether, in this view, the relative position held by our Commissioners was an unfair one, and I hope the Government, by accepting my proposal, will prevent similar disadvantages in future in the negotiation of Treaties by British Commissioners. I think the responsibility of Parliament in the matter of Treaties should be a real responsibility, and whilst I may not carry hon. Members with me to the full extent of all Treaties, I think they will be disposed to agree with me that in the case of Commercial Treaties there should be in every case a special Article rendering their ratification conditional upon the sanction of the House being obtained. We have a right especially to urge this in respect to the French Treaty on the ground of former precedents. Mr. Pitt, in 1787, laid the Commercial Treaty with France on the Table of the House, and an Address to the Crown was moved upon it. In 1860, Lord Palmerston informed the House that in reference to the French Treaty he proposed to follow the course adopted by Mr. Pitt, and he stated that by a distinct Article it was subject to the approval of Parliament. In the present Treaty such a power was reserved to the French Assembly, though not to the House of Commons; but without this power it was impossible that the House of Commons could deal with the subject. It surely seems only reasonable that an opportunity should be afforded of discussing this question, not as a matter of party politics, or of confidence in the Government, but as solely affecting the commerce of the country, and I hope it is not too late even now to introduce a Supplemental Article in the Treaty providing for the prior approval of the House of Commons before ratification. We have yet to discuss the question, whether it is desirable to have any Treaty at all, and I have hitherto heard no arguments which justify the course taken by the Foreign Office. My belief is that the Treaty is altogether an impolitic one. Had Lord Melbourne been alive, he might with advantage have suggested to the Foreign Office—"Why can't you let it alone?" The great thing is to impress upon the Foreign Office the necessity of letting things alone, and of intermeddling as little as possible. Lord Granville at the Mansion House did make a defence of the proposed Treaty, and *The Times*, which had apparently varied in its judgment upon this question—though I do not complain that it has reflected the changes in public feeling—thus summed up its comments upon Lord Granville's speech—"The weak point in his argument was that he did not show why it was desirable to have a Treaty at all." I quite agree that this was the weak point in his argument. We should have left the French people to learn by experience the effect of the denunciation of the Treaty of 1860, and I believe that in a short period the denunciation of the Treaty would have been generally acknowledged to be very injurious to the commercial interests of France, and that a lesson of political economy would have been taught to the nation, which would have been greatly in favour of free commercial intercourse. We ought not to have stepped forward to assist the President in what was a reactionary policy. By assisting him in this way we have placed ourselves in a false position. I have been ashamed to see deputations from English Chambers of Commerce haggling for terms under the Treaty. Such proceedings must shake the opinion of the world as to the confidence we feel in our own principles, and the policy of the Government has struck a blow and given great discouragement to the Free Trade party in Europe. As an exponent of the opinions of that party, Monsieur Chevalier may fairly be taken as one of the greatest authorities, and he says he is at a loss to explain—

> "Why the English Government, which, since 1846, has assumed to itself the great honour of being the standard bearer of commercial freedom, should be content to endorse the policy of M. Thiers, whose object notoriously is to induce the world to walk backwards."

The truth is, that without the assistance of England, M. Thiers would have found it absolutely impossible to carry out his reactionary policy. He distinctly acknowledged in his Presidental Message that—

> "The want of accord between France and England would render impossible any understanding with the other commercial Powers, and that once England had refused to admit our tariffs, they would have stood no chance of being accepted elsewhere."

The main reason for the course taken by Her Majesty's Government probably was their anxiety to get rid of the sur-charge imposed upon the British flag in France—a sur-charge which they believed would inflict great injury on British commerce. No doubt there was some alarm expressed in this House. But it was most unfortunate that the Government had not waited for further experience of the operation of the *sur-taxe* before taking any action. If we had left the question to be dealt with in France, the tax would probably have been abolished in a short time, as a great outcry had been raised against it on account of its injurious effects upon French commerce. The principal shipping ports were up in arms against it. Rouen and Marseilles, Lyons and Dunkirk, Havre and Nantes were all loud in opposition to it. In the Paris correspondence of the London papers last October, it was stated that—

> "There is not a port of any importance in the country that is not sending up either deputations or remonstrances of some kind against an impost which has driven all their usual means of transport from their harbours, and left their produce to rot in their warehouses. Their misfortunes are aggravated by seeing the ports of neighbouring countries benefiting just in the degree in which they suffer."

Nor would the effect of this impost have been an unmixed disadvantage for the time, even to English interests. I saw a statement in the papers last month, that owing to its effect in diverting the current of trade, certain shipping interests in Liverpool would have derived a considerable benefit in increased traffic. But it is now perfectly well understood that M. Thiers simply put on the tax to drive the British Government to renew negotiations with him for a new Treaty, and Lord Granville fell into the snare. M. Thiers is a man of great astuteness, and it is understood that he is making use of other matters of policy to carry the Treaty in which he feels so much interested. It is in fact doubtful whether the National Assembly will support the Treaty if taken upon its own merits; but its ultimate disposal will depend entirely upon other considerations affecting the position of parties. All this makes it more unfortunate that we have had anything to do with it. So far I have dealt with the question as to whether there should be a Treaty at all; but that point being conceded in the affirmative, the details of the Treaty become a matter of the gravest importance to Parliament. There are already doubts expressed as to the meaning of some parts of the Treaty arising from the usual ambiguity and want of precision of our Foreign Office. We agree to allow compensatory duties to be levied on British goods on account of taxes which France intends to impose upon the raw materials used by her manufacturers; but it appears that those taxes upon raw materials cannot be levied unless Germany, Austria, Italy, Holland,

and Switzerland agree to have compensatory duties upon their goods notwithstanding their Treaties to the contrary, which, unlike ours, will not expire until the year 1877. The question then arises, if France is unable, until 1877, to impose any taxes upon raw materials, are our goods, notwithstanding, to pay compensatory duties? I think we ought to have distinct information upon this point, or we may otherwise find that we have agreed to place ourselves at a great disadvantage in relation to other countries trading with France. A rumour has recently obtained currency to the effect that representatives of the British Government had been urging certain Continental Governments having treaties with France to concede what M. Thiers desired. I trust that Her Majesty's Government have adopted no such undignified course, and I shall be delighted to hear the rumour contradicted. But whatever may be the real intention of the Treaty in respect to the compensatory duties, there is no doubt that, as matters stand at present, England will be at a disadvantage with other countries in her trade with France until the year 1877. Up to that time she submits to be excluded from the "most favoured nation" clause. It is not my intention on this occasion to go into any question as to the amount of duties which are proposed to be levied. Any hon. Gentleman in glancing at the schedules will see that the duties are very numerous and very complicated, and must necessarily occasion great interference with trade. But I think I have a right to urge upon the Government, as a reason for submitting the Treaty to the consideration of the House, that several important Chambers of Commerce have expressed strong opinions against it. I hold in my hand Reports of the proceedings of three of those Chambers to which very briefly I wish to direct the attention of the House. The Macclesfield Chamber express their—

"Entire disapproval of the policy of Her Majesty's Government with reference to the adoption of the Anglo-French Treaty of 1872, which they regard as marking a step backward in the path of free trade," and "they look with confidence to Members of Parliament to oppose with all their influence the adoption of such a retrogressive commercial policy."

The Macclesfield Chamber also take the opportunity in their Report of expressing an opinion in favour of the Resolution which I am at present recommending to the adoption of the House. I will now quote an extract from the Report of the Chamber of Commerce of Manchester. It says—

"The directors object to the sacrifice of principle involved in endorsing the policy of M. Thiers, and they share the conviction entertained by a large majority of the French Chambers of Commerce and the French commercial public that the tax on raw materials will do little or nothing to relieve, even temporarily, the financial embarrassments of France; and that by lending countenance and support to its imposition, the Government of this country would violate those principles of free trade and sound commercial policy by the observance of which alone they believe the true and ultimate prosperity of nations can be secured."

The Bradford Chamber of Commerce appear to be equally dissatisfied with the Treaty, and the President of the Chamber at a recent meeting remarked—

"That the terms conceded by the French Treaty to Bradford were perhaps more favourable than those obtained for any other trade in the kingdom, yet he could not but express his deep regret that the English Government had not been able to make further progress in the direction of free trade instead of returning to the dark ages of protection."

I need not trouble the House with any further evidence of the dissatisfaction occasioned by the policy of the Government. My hon. and learned Friend who will second this Motion (Mr. Staveley Hill), will be able to tell us that his constituents are much dissatisfied with the Treaty. I dare say that the views entertained by my hon. and learned Friend may differ in certain important points from my own; but, at all events, he represents the opinion of the manufacturers of Coventry that the Treaty is an objectionable one, and that it ought not to be adopted without the sanction of Parliament being previously obtained. I presume we shall be told that other Chambers of Commerce have yielded some measure of approval to the Treaty. But it must be remembered that Macclesfield, Manchester, and Bradford represent the silk, cotton, and woollen trades, which are three of the greatest interests affected by the proposals of M. Thiers. Our exports to France in 1871 amounted, in value of silk goods, to about £500,000; of cotton goods to £2,250,000; and of woollen goods to £3,250,000; making a total in value of one-third of our entire exports to France. Amongst the other heavy items of our French trade were coal, corn, machinery, iron, &c., which were not affected by the proposed compensatory duties, so that the remaining articles which were so affected were of minor importance compared with silk, woollen, and cotton goods. I think that the facts which I have now stated furnish very strong grounds in favour of the Resolution which I have submitted, and in an especial manner justify me in believing that it is essential to the welfare of the trading community that Parliament should have an effectual means of considering the provisions of Commercial Treaties before they receive the ratification of the Crown. The hon. Gentleman concluded by moving his Resolution; but the House having already decided that Mr. Speaker do now leave the Chair, the Question could not be proposed.

Mr. STAVELEY HILL expressed his opinion that the proposition which had just been made could only be controverted upon one of two grounds—either that the consideration by Parliament of Treaties before their ratification would be derogatory to the dignity of the Executive Government, or that it would give rise to inconvenience in getting full consent to the Treaties. Why should it be said that it was beneath the dignity of the Executive to take into its confidence the Houses of Parliament in reference to the ratification of Treaties? A similar objection to this was raised in 1781 and 1782, when an attempt was made by Parliament to put an end to the American War, and it was said that it was beyond the duty of Parliament to advise the Sovereign in such a matter as that. In the debate which was raised at that time upon the great speech of General Conway, all the precedents on the subject of Treaties were quoted and considered, and it was clearly shown that it was competent to the Houses of Parliament to advise the Sovereign on all matters connected with the relations of England with foreign countries, and notably the precedent furnished by the fact that Henry VII. called his Parliament together to advise him whether he should assist the Duke of Bretagne against the King of France was relied on. But it had been objected that the consideration of a Treaty by Parliament before its ratification would be fraught with inconvenience, inasmuch as, there being two parties to the Treaty, it might produce an unwillingness in the mind of either to enter into it. But what possible inconvenience could arise if it should happen that, on consideration, this country became unwilling to enter into a particular Treaty? So far from such unwillingness being inconvenient, it would, having arisen from full discussion, be attended with advantage to the trade of the country. It was, indeed, true, as was said in the year 1860, when the right hon. Gentleman at the head of the Government made his famous speech on the subject of Treaties—if, indeed, one of his speeches could be more famous than another—that the publication of a Treaty, which had been kept secret during its negotiation, might "send a thrill through the country;" but it could not be urged with any appearance of sound argument that it would be better that a section of the community should be injured by the operation of a Treaty, without having been consulted, than that before it was entered into they should be allowed to be heard in reference to it through their representatives in Parliament. Would it not, on the contrary, be better and wiser to allow them to show the pressure which the Treaty would bring upon them, rather than leave them to grumble at it after it had been entered into? Was it likely to make a Treaty more acceptable to the trades affected by it to bring it upon them suddenly than to afford them an opportunity of having their opinions in reference to it expressed in Parliament before it was ratified? Again, it was said that a discussion on the subject-matter might make the other party to the Treaty unwilling to enter into it. Well, did anyone think that a Treaty would be regarded by a foreign nation as being worth entering into if they discovered that this country had got the better of them? A commercial Treaty was merely a bargain between two countries, and if either of them were to find out that the bargain was an unfair one would not that country at once repudiate the bargain? It might agree to be bound by the Treaty for the time specified in it; but they might depend upon it that was not the way to produce amity among nations. His hon. Friend the Member for Warrington had gone at length into the question of the Treaty of Washington, and it was not his intention to follow him into that subject further than to ask whether they could not on the floor of that House have settled a far better Treaty than that was? For his part, he believed that the great bulk of the people of this country regarded that Treaty as being one of the greatest shams that ever was palmed off upon the British nation. But they had now to deal more especially with the Treaty with France. It had been said that it was of importance that that Treaty should be completed in secret, and that its publication before ratification would be attended with mischievous results. But upon what ground could that be urged? Only upon the supposition that the 15 gentlemen who sat round the Council Board were qualified to advise the Foreign Office without extraneous assistance; because, if they required such assistance, it ought to come from the Houses of Parliament. Had they, then, of themselves the necessary qualification? That they had not was shown by the fact that the Chambers of Commerce of Macclesfield, Manchester, and Coventry had received communications, marked "confidential" it was true, requesting advice upon particular portions of the Treaty. What was that but a confession that they had not sufficient means of judging for themselves on such matters? His hon. Friend the Member for Warrington had referred to the expression of Lord Granville to the effect that no Treaty of this sort should be retrogressive. But was not the new Treaty with France retrogressive? It was said, indeed, that France had undertaken not to put anything in the shape of a protective duty upon manufactured goods. Well, he found by the Treaty that the tariff duty on raw silk was to be 1f. 25c. per kilogramme, while that upon thrown silk was to be 2f. 50c. per kilogramme. Where was the compensatory duty there? In the conversion of raw silk into thrown silk it was reduced to the extent of from 6 to 9 per cent only. How, then, could it be said that the doubling of the duty was anything but a protective duty? That, however, was not the time to enter more fully into the subject. The Treaty had been kept private up to the present time, and Parliament had had no opportunity of considering, before it was too late, whether it was likely to be conducive to the prosperity of the country. If no better reason could be shown against the proposal of his hon. Friend than that its adoption would be productive of inconvenience, or that discussion might excite in the minds of either party to a Treaty an unwillingness to enter into it, he hoped the House would agree to the Motion, for he could not but think that it would be for the benefit of the country that Treaties, and especially commercial Treaties, should be considered by Parliament before they were ratified.

LORD EDMOND FITZMAURICE said, that the hon. Member for Warrington (Mr. Rylands) had in his Motion referred to a particular case and laid down a general proposition. It would, he thought, have been more convenient if his hon. Friend's Motion had followed the course of his speech—namely, if it had taken the general proposition first and then had illustrated it with the particular cases. He would thus have avoided the mistake into which he fell, of merely illustrating a general proposition by an exceedingly modern instance. It was a mistake, because there was a tendency in the human mind, which it was not easy to avoid, rather to exaggerate the comparative importance of those events which were passing immediately around us. He would be the last to deny the immense importance of the negotiation with America, or of that which had been recently concluded with France; but he must say that when his hon. Friend brought forward so broad a proposition—namely, that all future Treaties between this country and foreign nations should be treated in a particular way—it would have been well if he had supported the proposal by other illustrations than the two which he had adduced in his speech, and on which he entirely relied. He confessed that when the hon. and learned Member for Coventry (Mr. Staveley Hill) got up he expected the hon. and learned Member would have made up for the shortcomings of his hon. Friend; but in that expectation he had been disappointed, as the hon. and learned Gentleman had referred to one authority only, and that in the reign of Henry VII. He (Lord Edmond Fitzmaurice) would endeavour to treat the matter in a more general way; and, first, he would refer to the general proposition stated in the Motion. There ran, he thought, through the speeches made in support of it a radical misconception as to what the powers of the House of Commons were, and as to what the Constitutional theory of this country as to the making and ratifying of Treaties was. If he thought that the House was placed in the doleful position described by his hon. Friend the Member for Warrington, he might be disposed to agree in the view which he took of the remedy. But, believing the case to be otherwise, he should certainly go into the lobby against him. Now, he would begin by referring to the great authority of Mr. Wheaton for a definition of the treaty-making power in this country, for Wheaton was not only an international jurist, but from his knowledge of the Constitutions of the countries to which he was accredited in a diplomatic capacity, was also an authority on constitutional and municipal law. He laid it down, though the treaty-making power as a branch of the Royal Prerogative had in theory no limits, it was practically limited by the general control of Parliament, whose approbation was necessary to carry into effect Treaties by which the existing territorial arrangements of the Empire were altered. Starting, then, with this definition, he would examine the various kinds of Treaties, in some of which the power of the House and of the Executive differed from their power in others. As to Treaties of Guarantee, the hon. Member for Carlisle (Sir Wilfrid Lawson), though he obtained little support last Session to his proposal that we should get out of our existing guarantees, certainly represented the national feeling in expressing a horror of them, and no Minister would venture to bind this country to a new guarantee; but he (Lord Edmond Fitzmaurice) thought it only fair to set aside for the present the consideration of Treaties of guarantee when they were considering a state of things very different from that under which Treaties of Guarantee were possible. Treaties of Limited Succour, by which a Sovereign lent or sold men to be used against a State with which he was not at war, also belonged to the past; for no English monarch would now imitate those engagements and loans of troops of which the engagement of Hessians by George III was a fair illustration. He would now proceed to consider the doctrines regarding Treaties known as Treaties of General Alliance—offensive or defensive. The question was whether it would be advisable for that House to exercise the interference which the hon. Member for Warrington advocated in respect to such Treaties. He would remind the hon. Member that a few days ago he had a Motion on the Paper involving an attack upon the conduct of the First Commissioner of Works for the Rules he had framed for the regulation of Hyde Park at a time when Parliament was not sitting. Now, it appeared to him that the arguments at that time used in justification of those Rules applied with far greater force to the making of Treaties without the assistance of Parliament. He submitted that a state of things might arise requiring the making of Treaties of General Alliance and Peace by the Executive alone, without calling Parliament together for the consideration of what might perhaps turn out a very trivial matter; but, on the other hand, might be a matter requiring the utmost secresy and despatch—one in which the time necessary for the consent of Parliament could not possibly be spared. But whatever might be the powers of the Executive, it was incorrect to say that Parliament had no power in the matter. This, indeed, had not always been so. There was no doubt that two centuries and a-half ago there existed a great jealousy on the part of the Executive Government against any interference on the part of the House of Commons in what were called the affairs and mysteries of State. He found it stated by the historian Hallam, that in the reign of James I. the House of Commons drew up a Petition complaining of the conduct of Government in concluding a Treaty with Spain, and of the injustice suffered by English merchants and mariners from the mariners of that Power. They were about to present their Petition to the Crown, when the Earls of Salisbury and Northampton, two of the Ministers of that day, told them that the House of Commons was an excellent body for the management of local concerns, but they had no right whatever to interfere with the Government in the consideration of the affairs of State. The difference between this language and that used the other night by the right hon. Member for Buckinghamshire (Mr. Disraeli), who laid down the very opposite doctrine, and advised the House to recollect that it had other duties besides those of a large select vestry, showed how much the position of the House had changed since then. James I., on another occasion, when the House was about to address him on a question of foreign politics relating to the marriage of his son, rebuked the "fiery and popular spirits" who had presumed to meddle with "mysteries of State." His hon. Friend, had he lived at that time, would have been deemed a "fiery and popular spirit." The question then arose, how had the great change in constitutional theory to which he had alluded been effected? The House had obtained power in foreign as in domestic questions by their power of the purse, and by the appropriation of Supplies—a doctrine maintained with one or two exceptions since Charles II's reign. This gave them the command, not only of the purse, but of the helm of Government. The importance of this doctrine had been pointed out by Hallam in the following remarkable words:—

> "The House of Commons would be deeply responsible to the country if through supine confidence it should abandon that high privilege which has made it the arbiter of court factions and the regulator of foreign connections."

A great deal of what he had just said applied to Treaties of Peace, and even to those which ceded territory at the end of a war. Lord Loughborough, indeed, at the end of the American War, brought forward a Motion in the House of Lords declaring that the Prerogative of the Crown in matters of Treaty was limited, and ought not to be exercised without the consent of Parliament in respect to any Treaty under which a cession of territory took place. Lord Thurlow, then Chancellor, ridiculed and denounced this with great violence, but he himself believed the doctrine laid down by Lord Loughborough on this point to be bad law, and also as he had shown by Mr. Wheaton to be correct so far as it applied to treaties of cession made in a time of peace. The only exception he knew of was the cession of Dunkirk under Charles II., which formed one of the articles of impeachment against Clarendon. The cases of the Orange River Settlement and the Ionian Islands were not to the point. It was interesting to know, from a recent letter by Mr. Forsyth in the leading journal, that the matter had recently assumed the position of a practical question, because the Indian Government, acting with the power of the Crown, had thought fit, *de proprio motu*, to transfer 116 villages, now under English rule, to an Indian rajah. It might, therefore, be said that the authority of the Crown was here exercised by the Indian Government in the cession, in a time of peace, of so much British territory to Native rule without consulting the opinion of Parliament. As an illustration of cases in which the Government might have to make Treaties when Parliament was not sitting, and when if the Executive Government had to wait for the meeting of Parliament a very important opportunity might be lost, he would take the Treaty made in 1840, concerning the Ottoman Empire. In the secret Protocol annexed to that Treaty, it was stated that the Plenipotentiaries had agreed that the preliminary measures should be carried into effect without even waiting for the exchange of ratifications, so urgent was the need. If it had been one of the Rules of this House that no Treaty should be valid which had not received the assent of Parliament, that Treaty could not possibly have been carried out. The hon. Member for Warrington had laid great stress upon the French Treaty being a Commercial Treaty, and he was willing to grant that the circumstances of the time had materially diminished the power of that House over Commercial Treaties. When the commercial system of this country was founded on a protective tariff, it was necessary, when the changes proposed affected the Revenue, to come to the House with a measure which was technically a Money Bill, and the House could refuse to pass the Bill if it did not like the Treaty. Since the time, however, that this country had adopted free trade theories, it was now hardly ever necessary for the Government on any such ground to ask the consent of the House of Commons to a Commercial Treaty. The 9th section of the Treaty of Utrecht contained a clause at variance with the Methuen Treaty, which had been concluded with Portugal, and owing to the opposition of Mr. Gould, one of the Members for the City, and the speeches of General Stanhope and others, the Money Bill thereby made necessary was rejected, and the clause was struck out of the Treaty of Utrecht. Although, however, this change had occurred, the power of the House over Commercial Treaties was still great, as it was over all other Treaties, by its general hold on the Executive. Again, its influence could make itself felt by the assertion of its opinions upon commercial matters by Resolutions or Motions for Addresses to the Crown. If the House, for example, thought that the Ministers had effected a bad Treaty, the House might move a Vote of Censure against them. He would remind the House that the Ministry which concluded peace with the American Colonies fell on an Amendment to the Address, and a Resolution of sympathy with the American loyalists being carried against them. While a Treaty was being negotiated a discussion upon it could always be got up, and the opinion of the commercial world could easily be obtained upon it. If, on the other hand, Parliament was not sitting, the Government could consult the Chambers of Commerce, and although the hon. Member did not appear to think that the Government had given due weight to their advice, it was the undoubted duty of the Government to obtain light from all quarters, and abide by the result. Upon the whole, therefore, he came to the conclusion that the present state of things, as regarded the making of Treaties, was the best for all interests. In the negotiation of a Treaty, the Executive Goverment was independent and untrammelled by outside interference. The moment, however, the Treaty was concluded, the Minister had to come down to the House and answer for it. The House of Commons, therefore, possessed a great and real authority in regard to Treaties, and was not in the position of helplessness suggested by the hon. Member for Warrington. His hon. Friend having alluded to the Commercial Treaty with France, he wished to observe that there was one clause in it which had been pointed out in *The Economist* newspaper of last November as very ambiguous. It appeared to be in direct contradiction to the "most favoured nation" clause which had been held out as a great inducement to this country to submit to the differential duties in the Treaty. Clause 2, sub-section 2, after providing that the duties in the tariff shall be the maximum duties, so long as the Treaties with foreign Powers shall not be modified, provides—

> "That the difference, as against such goods, of the duties therein specified shall not be increased relatively to the duties on the like goods now levied under treaties existing between France and any third Power."

Lord Edmond Fitzmaurice

This clause, if it meant anything, meant that if under now subsisting Treaties between France and Austria and between France and England there were duties of 2 and 3 per cent on Austrian and English goods respectively, it would be open to France to make a new Treaty with Austria admitting Austrian goods at 1 per cent, while at the same time she could not be compelled to admit English goods at less than 2 per cent. What, then, became of the "most favoured nation" clause? Returning to the general question, he might say that it was not from any wish to circumscribe the privileges of that House that he expressed the views he had done; but the present Resolution was, in his opinion, unnecessary for the good government of the country, and not likely to increase the prospects of peace either in this country or in Europe. He would accordingly vote against it.

LORD JOHN MANNERS: The hon. Member for Warrington (Mr. Rylands) in his very able speech, said, although he did not think that all the Members of that House would go along with him in the object of his Motion, nevertheless some he believed would sympathise with him, so far as Commercial Treaties were concerned. Now he (Lord John Manners) confessed that, so far as the hon. Member's Motion regarded Commercial Treaties, he fully sympathised with his views. The confession just made by the noble Lord (Lord Edmond Fitzmaurice) that the House of Commons did not possess the same power over Commercial Treaties which it possessed 50 or 100 years ago, might, he thought, be taken as a concession to the views of the hon. Member for Warrington. His (Lord John Manners) objection to the present system under which Commercial Treaties were effected was that it materially interfered with what he held to be the undoubted right of the House of Commons to decide upon the financial arrangements of this country. It was impossible to say that the House of Commons could properly consider the provisions of the Budget annually proposed by the Government when hon. Members were well aware that whole classes of possible sources of taxation were removed from that consideration. Last night, when the hon. Member for Westminster (Mr. W. H. Smith) asked the Prime Minister if Her Majesty's

Government had any intention of imposing an export duty on coal, the right hon. Gentleman replied that the new French Treaty contained nothing to prevent the imposition of an export duty on coal; but he added that until the Treaty between us and the Zollverein, which was signed in 1865 and which did contain such an obligation, had expired, which would not be until 1877, France, supposing the new Treaty to be ratified, could claim exemption from any duty on coal under the "most favoured nation" clause. There was not a man in that House who, in the present condition of the country, would say, when the Financial Statement of the Chancellor of the Exchequer came to be considered, that the question of the propriety of imposing an export duty on coal was not worthy of discussion; but until the year 1877 that House was precluded from considering so important a question. The noble Lord, qualifying the concessions that he made, proceeded to point out the reason which, in his opinion, rendered the diminished power possessed by the House of Commons of less practical consequence than it would otherwise be. He said that the tendency of modern commercial legislation was no longer to impose import duties on foreign articles, and therefore, though the House of Commons had nominally lost its power in that respect, that in reality it had only lost the shadow of its power. If they examined the Treaty with France they would find, it was true, very few duties retained in our favour, but it contained an enormous schedule of duties imposed on articles imported from this country into France, and the interests of those classes to whom the noble Lord referred might be most deeply prejudiced by the imposition of those duties. It appeared to him that the House of Commons had a perfect right to be the arbiter of the financial arrangements of the year unimperilled and unimpeded by these Commercial Treaties. He could not support the Motion in that part affecting Treaties in general. The forms of the House, indeed, prevented the hon. Gentleman from putting the Motion for its acceptance; but he could not refrain from expressing his sympathy with that portion of it which referred to Commercial Treaties with foreign Powers.

MR. GLADSTONE: I do not know whether it be the pleasure of the House to pursue this conversation into a debate upon a scale which, I must submit, would be suited to the importance of the subject. The debate or conversation that has taken place has been conducted with great ability, and in particular I feel indebted to my noble Friend the Member for Calne (Lord Edmond Fitzmaurice) for his able speech, in which he has given us the benefit of those real historical studies that can never be too sedulously pursued by Members of this House, especially by those who take part in foreign affairs, if they wish to make their talents useful to their country. There have, however, been several points on which appeals have been made to Her Majesty's Government, and it seems to me right that the debate should not last any longer without a declaration on our part. The noble Lord who has just sat down (Lord John Manners) has essentially altered the nature of the issue—if, indeed, issue it can be called—where there is neither a division in prospect nor even a Motion before the House. The hon. and learned Member for Coventry (Mr. Staveley Hill) in his zeal seconded what he called the Motion of my hon. Friend the Member for Warrington (Mr. Rylands); but though it was true in the spirit in which he spoke, it was not correct in the actual position of the question before the House. The question, as it is raised by the noble Lord opposite, is really and entirely a different question from that which is before the House. My hon. Friend the Member for Warrington (Mr. Rylands) has proposed, under what I may call adverse circumstances, not, indeed, to empty benches, but to a thin House, and without the opportunity of testing by Motion, the largest Constitutional change which of late years has been submitted to the House. No doubt my hon. Friend has been already complimented on the ability of his speech, and he has shown no want of courage in the course he has adopted. But the proposal of the noble Lord (Lord Edmond Fitzmaurice) is of a much more limited character. With respect to our Commercial Treaties, it has happened *de facto* that for the most part Parliament has intervened up to this time. Indeed, I am not aware of any case in which a Commercial Treaty has been made by the Executive Government having important consequences as regards the trade and commerce of the country when

Parliament has not had an opportunity of intervening. The noble Lord will permit me to point out that I think he has fallen into an error in the single instance he has quoted of the prohibition by Treaty of an export duty on coal. On that single instance the noble Lord founded the sort of general proposition that in consequence of the system in which we live it happens that behind the back of Parliament important sources of possible Revenue are closed by the act of the Executive at its own discretion. But this is not the case, because the Treaties in force which preclude our laying an export duty on coal are Treaties copied from the very same provisions into which we had entered with the full assent of Parliament. The origin of this prohibition of an export duty on coal is in the Treaty of 1860 between this country and France. The noble Lord and others, who took part in the debates at that period, know that the Treaty was contingent on the assent of Parliament, and that all parts of it were discussed in this House at great length. Indeed, it formed a large part of the Session of 1860. In those discussions Parliament either actively or tacitly gave its assent to the principle on which we had acted of renouncing the export duty on coal; and therefore it was on that principle, approved of by Parliament, that the Government acted, and extended it to Austria and the Zollverein. If the proposal is made to limit the Prerogative of the Crown with respect to Commercial Treaties alone I should consider it a matter of such vast importance as to deserve separate and careful discussion. The main elements of difficulty which attach to the Motion of my hon. Friend the Member for Warrington do not attach themselves, or only in a minor degree, to the more limited proposal of the noble Lord. At the same time, I must reserve the freedom of my own judgment, and of the judgment of the Government, with respect to it, and must not be supposed in any way to compromise either myself or them with respect to it. But the question we have before us is the very large one raised by my hon. Friend the Member for Warrington, on which I understand the noble Lord opposite to part company with my hon. Friend when they have disposed of that portion of the subject relating to Commercial Treaties alone. On the broader question I will offer a few remarks to the House, for I do not believe that even in the mind of the Mover of the Motion it has received the amplitude of consideration which it deserves in all its aspects. The hon. and learned Member for Coventry thought objection could be only taken to the Motion on two grounds—the dignity of the Executive Government, and the inconvenience which might arise to the negotiators themselves if the Motion were adopted. As regards the first of these objections, I certainly, for one, shall not attack it. I do not feel embarrassed by any consideration of dignity in the matter; and on the part of the Government generally and of the Crown it may be stated that the dignity of the Executive Government, and even of the Crown, consists in having that arrangement of public business, and that judicious distribution of duty between the executive and legislative powers which best promotes the interests of the country. With respect to the argument of utility, with which the noble Lord proceeded to deal, I must confess I differ from him. He said we must have some stronger argument in order to overthrow the Motion than the argument derived from the inconvenience which the Motion would import into negotiations. I do think, if it is to be admitted that the success of negotiation is a thing entirely immaterial, and that, if approval of the Motion would be fatal to the successful conduct of negotiation, that would do nothing towards making out the case against it—if that position is to be assumed, I confess I am in despair, because my objections to the Motion are of a practical character. Dealing with a subject of a practical character, on political grounds, I really cannot conceive that the House would for a moment hesitate as to the conclusion at which it must arrive. With respect to the Commercial Treaty with France, there is nothing to prevent the House expressing its opinion at this moment. If the House is disposed to think that, upon the whole, we have done wrong in signing that Treaty, the House is perfectly free to express that opinion, and it is liable to no imputation of breach of faith. But look at the difficulty in which we are placed. My hon. Friend seems to doubt on the whole the expediency of that Treaty, and he, doubting it, and stating some of the arguments against it, the only course open to the Government would be to defend the Treaty. I cannot meet my hon. Friend—I frankly own I am not prepared at the present moment to enter upon a defence of the Treaty, because I think it would be injurious to the public interests. I wish for the Treaty; I think it is our duty to do nothing which might imperil the safe arrival of the Treaty at its conclusion and ratification. I think an argument in this House upon the merits of the Treaty, which might produce abroad exaggerated apprehensions and estimates, either in one sense or the other, might very possibly tend to perplex and embarrass discussion in France. If there is to be discussion, it ought to be unprejudiced, impartial, and spontaneous—derived from French impressions and informations, and not from English opinions and telegraphed reports of what may be said here. I am unwilling to expose the public interests in this way. This, on a small scale, illustrates the difficulty which would arise in these cases, though as regards information there can be no difficulty. I will make a short statement on points upon which appeals have been made to me, and with respect to which I can do so without injury. My hon. Friend is under the impression that we are acting in support of the Government of M. Thiers. We are neither the friends nor the opponents of any particular minister or Executive Government on the face of the earth. Our business is to maintain the friendly relations of this country with all other nations; and if we are to do this we must sedulously abstain from interference with regard to forms of Government or the persons who occupy the post of power. But my hon. Friend is under a misapprehension. He says truly that M. Thiers has been a Protectionist statesman, and is imbued with those doctrines which my hon. Friend and I believe are profoundly erroneous and exclusively mischievous, and that is quite true. Moreover, we go a little beyond the objection to protection. We are agreed that it is a most mischievous policy, even though it need not involve the principle of protection, to tax the raw material of manufacture. But in this matter we have not been dealing with the Executive Government alone; we have been dealing with the French nation speaking through its authorized representatives. Until it had spoken we maintained great reserve. The first propositions of the French Government were not entertained by us, as will be recollected from the discussions which were held last Session; and in the month of July last year the French Assembly passed a law which involved and applied largely the principle of the taxation of raw materials. I am not able to convey the notion that that produced any change in our view of the policy or the impolicy of the matter; but it did for the attitude of one of the parties to the transaction—namely, that of the French Government and of the French nation; and after the Act had received the sanction of the Assembly it was impossible for us to overlook the fact that the French nation had actually spoken. In reply to the questions of my noble Friend (Lord Edmond Fitzmaurice) I have to say that what both parties understand as to the application of the compensatory duties is this—the compensatory duties upon manufactured goods and the duties upon raw material will become applicable together, and not one before the other, and they will become applicable to the imports from this country without becoming of necessity applicable to imports from those countries with which France is under certain Treaty engagements, for a limited time, that may prevent it. That is the state of the case as regards differential duties. Then my noble Friend did not understand the stipulation in the Treaty that there was to be no augmentation of the difference against us—namely, the difference between the duties which France is now stipulating to levy upon our goods, and the duties which by the present Treaty with Austria she is bound to levy as a maximum upon Austrian goods. The meaning of that stipulation I will illustrate by a supposititious case. Suppose there is a particular article on which, by her Treaty with Austria, France may levy a tax of 4*f.* Suppose we agree by this Treaty that on the corresponding British article she may levy a tax of 5*f.* She is free under the Treaty with Austria to reduce her tax upon Austrian goods, say, from 4*f.* to 2*f.*, but she may not do that without at the same time reducing her tax upon British goods from 5*f.* to 3*f.* The words in the Treaty have reference to possible reduction of duties, and they are intended to provide a guarantee, which, I think, is necessary and effectual, that that reduction should not be the means of increasing any disadvantage under which for a time we may be obliged to stand. [Lord EDMOND FITZMAURICE, interrupting, asked a question with reference to the "favoured nation" clause.] I apprehend the answer to the question would be found in this: the most "favoured nation" clause is enacted in this instrument, and, being enacted in it, I apprehend it is subject to the limitations which the instrument itself contains. In bringing forward the Motion, my hon. Friend the Member for Warrington ought to have laid a very broad ground, largely illustrated by cases of admitted inconvenience arising out of the present system, in order to warrant him in recommending the enormous change he wants us to adopt. He has only referred to the Treaty with France, which, as I have said, I feel myself precluded from discussing on the merits, and to the Treaty of Washington, with regard to which he makes assertions, which may be true or not, but which for the present are really assumptions only. He says that, if this Treaty had only been a proper time before the two Houses of Parliament, it would have been of a different character. If the two Houses contain men of the transcendental ability which the hon. Member indicated, it is a pity they do not put them into the Executive Government. It seems to me to be the business of the two Houses of Parliament to get the best men they can to carry on the Government of the country. The hon. and learned Member for Coventry (Mr. Staveley Hill) does not doubt that we could have made a better Treaty on the floor of this House. I, for one, do not doubt it at all; we could have made what we should think a much better Treaty on the floor of the House, and I will go further, and say we could have done so in the Cabinet. But then the question is—Would the Americans have agreed to it? There is the difficulty. In these negotiations there are two to the bargain, and the question is—Do you intend to meet the other side, or do you not? As all the ideas of youth and poetry get dreadfully injured by the friction and attrition of practical life, so generally, in matters of covenant and bargain, that which one party has set before his mind as desirable to attain, has to be modified before he can bring his ideas into the consonance of other men whom he has to meet. That is the secret of this difficulty, and a great difficulty it is. The question, as I have said, is too large to attempt to discuss it now. It goes really to the root of one of the most important parts of the Prerogative of the Crown; and in using that phrase do not let it be supposed I intend to draw a hard and fast line between the Prerogative of the Crown and the power of Parliament. All that is meant by that Prerogative is the practical division which it is necessary to make between the duties of the Executive and the duties of the legislative power. I will not attempt to argue this vast question in full; I will only point out a few considerations relating to it. First of all, I will say, whenever the trade and commerce of this country ran a risk of being injured, in every instance there has been ample provision for ascertaining the mind of Parliament. I do not beg the question as to the present French Treaty. I look upon that as suspended, although, of course, if an hon. Member thought it his duty to make a Motion to prevent its ratification, it would be our duty, whether we liked it or not, to discuss the question. The House of Commons does enjoy real power; and, that it should enjoy all the power which the hon. Member may naturally desire, is a matter which may present itself to the minds of some as a simple one and free from difficulty; but if negotiation is one of the most anxious and difficult duties which the Government have to perform under the complications which now exist, it would be still more anxious and difficult if those complications were multiplied. To one point I will address myself with rather more fulness, because I think it really the foundation on which my hon. Friend and others erect, not logically, but practically, the argument they make and the proposition they wish us to adopt—it is the precedent of the United States. They think that in the case of the Senate of the United States you have an instance of a provision wisely made and which gives a new guarantee for the safe maintenance of the interests of the country; and they wish to have something of the same kind in relation to our own Government and Parliament.

Now, Sir, I will venture to say, with all possible respect for American institutions —not scrupling to go so far as to say that, in my opinion, no instrument was ever drawn by human skill and sagacity —but drawing a wide distinction between Constitutions made and Constitutions that have grown—I say no Constitution was ever drawn by man that shows equal sagacity with the Constitution of the United States. Therefore, I do not undervalue at all the excellence that there may be, for the interests of America, in the provision which reserves to the Senate a very large power with regard to foreign negotiations; but without hesitation I propound these propositions—first of all, as far as political Treaties are concerned, the condition of America is quite different from that of a Power which forms one of the European family of nations. America is, as it were, remote from the rest of the world, and that remoteness exempts and liberates her from many of the complications that attach to other countries merely united as members of the European family. Secondly, I hope I shall not be thought disrespectful to America if I say, so far as I am able to judge, that whatever benefit America derives from that provision in regard to the Senate is purchased by a very considerable inconvenience to the Powers with whom negotiations are conducted. It both complicates and weakens the action of the American Government. It would be invidious to refer to particulars; but that is the conclusion to which observation and experience have led my mind. And what I wish specially to point out is this—that the precedent of the American Senate is totally inapplicable to this country. If you could have it to-morrow, you would not take it; for what is the precedent of the Senate? It means this—that one of the Legislative Houses of America has a Committee on Foreign Relations, and acts itself with regard to foreign affairs, and that in all critical and important action, when it proceeds to deal with that great branch of its functions, it proceeds to do so in secret. Now, does my hon. Friend propose that this House shall proceed in secret to check the details of negotiations? That would be impossible. But does my hon. Friend think this House would consider it an improvement upon the present state of matters if you were to appoint a Committee on Foreign Relations, and that Committee were to meet in secret to check the action of the Executive Government with regard to the forms of Treaties? But we are not the only parties concerned. There is the House of Lords. They would have the same power as ourselves; they must have another Committee, meeting in secret; and these two Committees meeting in secret are to exercise the ultimate power of control over the responsible Executive, the members of these Committees being of necessity comparatively irresponsible; and that is to be the great guarantee for the maintenance of the interests of the people. Sir, I think my hon. Friend has not taken a just measure of the real and enormous difficulties involved in this matter. My hon. Friend did indeed refer to the expedient of a Joint Committee of the two Houses, which, he thought, might perhaps get over any of the difficulties he foresaw. My hon. Friend has been complimented for his ability and his courage; I must compliment him also for his tactics—he has been wise in adhering to generalities, and avoiding particulars. He has produced a principle, not a plan. He wants to commit us to his views, and commit us blindfold. He makes the proposal of a Joint Committee of the two Houses. I can understand a proposal to have a Joint Committee, to bring their energies into one common stock for the consideration of Railway Bills—that these Bills should go before one Committee, and not before two. I think it a proof of our folly that for 20 years we have not adopted that plan; but as to a Joint Committee of Lords and Commons, which is on behalf of both and in behalf of the people of England to exercise an ultimate judgment and control in respect to the formation of Treaties with foreign Powers, I must confess I have no such exaggerated faith in Joint Committees as my hon. Friend appears to entertain; and until he is prepared to give some body and form to the dreamy proposition he has laid before us, I must stoutly refuse to accompany him in the path in which he would lead us. It is not necessary to carry the discussion much further; but the proposition he wishes us to countenance goes far beyond what is contemplated—it goes to Treaties of Peace. In the midst of the agonies of war, while the whole energies of the

Government were engaged in devising the conditions of a Treaty of Peace, even then the stern and iron will of my hon. Friend is determined to restrain their discretion, for fear of accidents, and would compel a Treaty of Peace, it might be from the camp, to come before this House possibly in the midst of its recess in the autumn, or during the Easter or Whitsuntide holidays. I do not think this proposal has yet attained to such a state of health and vigour as to be able to bear more serious treatment. I do not know that it is desirable to discuss it to-night. I do not make light of the difficulty my hon. Friend feels; I do not say the responsibility of Government as to errors in diplomatic negotiations should entirely satisfy the mind of my hon. Friend; but I do humbly think that the changes that are contemplated should not be lightly entertained; they must be strictly and constitutionally examined. We must not commit ourselves to the principle of change till we see our way to a practical arrangement; and as my hon. Friend has not succeeded in any degree in opening such a path, considering the important calls upon us, we shall do better by pursuing our ordinary avocations rather than be beguiled and inveigled by his speculations to take a course which might lead to great practical inconvenience.

Sir WILFRID LAWSON said, his expectation of opposition on the part of the Prime Minister had been fully realized, for his right hon. Friend had said all he possibly could say against his hon. Friend's Motion, but some of his arguments were not very convincing. He was surprised to hear his right hon. Friend say that the discussion of the French Treaty in that House might be injurious to France. [Mr. Gladstone: I said "injurious to public interests."] His right hon. Friend did not say whether he alluded to France or England; but as to France it was well known that no public discussion could take place there. It was said a Treaty might be urgent, and Parliament might not be sitting; but if it was a matter of the least importance, Parliament might be called together to discuss it. He thought his hon. Friend had been fortunate in that he consented last year to postpone his Motion, at the request of the Prime Minister, while the Treaty of Washington was under discussion, because the results of the proceedings with regard to the Treaty went to show that his hon. Friend was right in the view he entertained on this subject. One fact was worth many arguments; and what was the fact? Our cousins across the water were a great deal sharper than we were. They referred the Treaty to the Senate, and they made a much better bargain than we did because the Government did not take the House of Commons into council with them. There was an old and true saying which applied in this case, that "Where there is mystery there is mischief." It had been said to-night—and it was always said when this question was brought before the House—that the Ministry are responsible to Parliament for what is done. It was perfectly true that the House had a great deal of power if it chose to exercise it; but as a matter of fact it was very slow to do so. It was very seldom now-a-days that Parliament cut off the head of a Minister. A Vote of Censure on a Government was a very serious matter, because it upset all the arrangements of an industrial country like this. Therefore, when you said—"Oh, the Ministry are responsible in the end," you merely evaded the point, because you spoke of a remedy which in practice was hardly applicable. When a Treaty was being made the practice was to bring arguments forward to try to prevent Parliament from discussing it. In the preliminary stages, when anyone got up to object, he was told by the powers that be—"You are too soon." If he rose at a later period, it was said—"Don't bring forward the subject, or you will interfere with the progress of the negotiations, which are going on in a most satisfactory manner." If an hon. Member got up in his place months after all was concluded, then the language was—"Oh, you are wasting the time of the House, for all is over." Besides Treaties of Commerce, which in time came to a conclusion, there were Treaties of Guarantee, which were interminable, and these it was most important should be discussed. The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) said very truly, in a great speech that he made last spring, that our relations with other countries were the most important part of politics; that there was nothing which so much influenced taxation, or which so much affected the industry and enjoyments of the people. It was most desirable that such Treaties should be brought under the consideration of the House. The noble Lord the Member for Calne (Lord Edmond Fitzmaurice) alluded to a Motion which he (Sir Wilfrid Lawson) made last year, and said that he wanted the Government to get out of those Treaties of Guarantee. But what he wanted the Government to do, was to take the necessary steps to see whether we could not withdraw from them after due notice to the parties concerned. With regard to these Treaties, the matter seemed to be this. We told certain foreign countries we would employ our power and influence to protect them. When the time for action came, we were told that if public opinion was against it there was no objection to the Treaty not being carried out. In that case we deluded the people of the country to which we had given the guarantee. In another case we might be deluded ourselves, because we might have an unscrupulous Minister, who might come down and say—"There, you are bound to go to war," knowing all the time we were not so bound. The noble Lord the Member for Calne had said that no Government now would make such a Treaty. But that was not so, because in 1870, when war was about to break out between France and Germany, a Treaty of Guarantee was entered into on behalf of Belgium by the present Prime Minister. That Treaty was, in his opinion, a most mischievous one, because it gave the people of this country the idea that they were bound in honour to fight for Belgium, and he could trace to that feeling a great deal of that extravagant expenditure from which we were now suffering, and which would probably form a subject of discussion many times this Session. It might be said that danger would be incurred by laying the subject-matter of Treaties before the House. But it might be very important to call this House into council, because when you legislated in a hurry you might legislate in a panic, and there could not be a greater evil than panic legislation. But when panic legislation arose, there would always be found two or three men who would stand up and say all that could be said against a policy which, though popular, might be dangerous. He should be glad to see the principle of his hon. Friend's Motion affirmed by the House—namely, that it was its duty to criticise and deliberate upon all those public negotiations which ought to be made wholly in the interest of the people.

MR. NEWDEGATE: Sir, I congratulate Her Majesty's Government upon their having fulfilled to-night the engagement they entered into in 1871, when, upon the recommendation of a Committee, the unofficial Members of this House yielded on Thursday to the Government, on condition that they always placed Supply first upon the Business Paper on Friday afternoons and kept a House. I am truly glad that the Government have fulfilled that pledge; and now I would advert for a few moments to the subject-matter of the Motion, which has been introduced by the hon. Member for Warrington (Mr. Rylands). I fully admit the justice of the general objections urged to that Motion by the right hon. Gentleman the First Lord of the Treasury. I do not see my way to empowering this House to relieve the Government from the responsibility of negotiating Treaties in general; but there is one species of Treaty which I think ought to be taken out of this general category—I mean Commercial Treaties, which are again coming into fashion, and of one of which we have received a copy this morning; the Treaty at present in process of settlement between France and England. I shall not attempt to dwell upon the contents of that Treaty, because I have not had time to read it, and I think that the moment which the hon. Member for Warrington has chosen to bring on his Motion is unfortunate in this respect. If the hon. Member had confined his proposal to Commercial Treaties, he would have found in me a most ardent supporter, because I have a deep and painful recollection of the Commercial Treaty of 1860. Under that Treaty, notwithstanding all the assurances which were given to this House, those of my constituents who are engaged in the ribbon trade were most severely sacrificed, and I find the Chamber of Commerce at Birmingham alluding to the Treaty now under negotiation somewhat after this manner. I need not quote the words; but, after expressing their satisfaction at having warded off from some of the metal trades the imposition of duties in France in a manner that would have been highly injurious to those trades, they proceed to admit that this Treaty must bear heavily upon the textile fabrics of this country. I remember that in 1860 the people of Birmingham were induced to believe that the people of Coventry and of that district were alarmed without a cause; but it was not long before they saw the distress, which was consequent upon the operation of that Treaty. I was Chairman of the Relief Committee, and I remember the morning when I and the committee found ourselves with 22,000 persons to relieve beyond the capacity of the Poor Law. I remember that Her Majesty and the Prime Minister contributed to relieve that distress; and, with all these recollections still upon me, the House will forgive me if I press upon its attention that these Commercial Treaties ought to be taken out of the category of Treaties, the negotiation and arrangement of which ought, in my opinion, to be conducted solely by the Government, and on the responsibility of the Government. Because what happened in 1860? Two or three of the manufacturing interests of this country were absolutely sacrificed to considerations of general policy. Now, Sir, I think that that is a hardship, a grievous injustice, which Parliament ought to interfere to prevent. There is another consideration. It is perfectly true that the duties of this country cannot be altered without the intervention of this House, and that therefore the alteration of our duties involved in or consequent upon a Commercial Treaty must bring the Treaty itself before this House; but in what way does this question come before us when thus submitted to the House? In 1860 I objected to the removal of the duties which guarded in some degree the interests of the silk trade, considering that France had still the power of returning her high duties, and that there was a manifest want of reciprocity. Well, how was I met? In this way—"We, the Government of this country, have agreed with the Government of France that the duties of France shall be high, and that the import duties which are levied in England shall be abolished; if you object to this arrangement, you take the responsibility; the House takes the responsibility of a rupture with France; we warn you that unless the duties which are levied in this country are sacrificed, you entail the danger of a rupture with France." Now, I ask, is that a fair position in which this House ought to be placed? That the House must abandon its peculiar function as guardian of the finance and revenue of the country; and why? Because the Government of the day have entered into an agreement with a foreign Government to alter our financial arrangements, not for a year, but for a period of 10 years in this case. I ask, then, whether that is not a sacrifice of the liberty of the House of Commons; whether that is not an interference by the Government with our special duty, and this in concurrence with the action of a foreign Power? Sir, it does appear to me that on this ground alone Commercial Treaties ought to be taken out of the category of Treaties in general, which I admit ought to be negotiated, concluded, and ratified on the responsibility of the Government. With regard to these, as the Prime Minister pertinently asked the hon. Member for Warrington, would you invest this House with the particular function of the Senate of the United States of America? because, if you are not prepared to do that, you have not suggested any method by which your object can be accomplished. He also rightly enough observed that there is considerable inconvenience—there is certainly delay—in the intervention of the Senate of the United States in regard to Treaties of Peace or War, or the cession or acquisition of territory in consequence of war. In all the right hon. Gentleman said on this part of the question I concur; but he never once adverted to the case of Commercial Treaties. I remember when the Commercial Treaty between France and Austria, which through the Treaty of 1860 indirectly affected this country, was under discussion, that I suggested to the right hon. Gentleman this fact—the Treaty which is thus to indirectly affect this country has been submitted to the Legislative Assembly of Austria; why are we to be kept in ignorance of it? and I never received an answer to that question. Now, again, this Commercial Treaty has been submitted to the Legislative Chamber in France. Why is the House of Commons not to have this Treaty submitted to it by Her Majesty's Government? These instances are completely outside the analogy of other Treaties and the action of the Senate of the United States. Sir, I do not think that the terms of the Motion of the hon. Member for Warrington are convenient. They are too wide; but I trust that the subject will be raised before the House again, in order that the House may have an opportunity of expressing its opinion upon this point, whether Commercial Treaties, as affecting the financial and commercial position of this country, ought not to be submitted to this House earlier—that is, before ratification, in contradistinction to the practice which prevails with respect to other Treaties. Because, look at our position at this moment. The right hon. Gentleman told me, and I believe truly—it was in reply to a Question that I put to him—that the Commercial Treaty now negotiating with France will not affect the duties of this country. But, then, it will do this. It will give the consent of this country to the levying upon the produce of this country, when imported into France and her dependencies, and when passing through France to other countries, heavy duties; and those heavy duties will by this Treaty become guaranteed to France for a certain period. So that, literally, this Treaty will make this country and the Legislature, through its inaction, if it takes no part in the matter, parties to the imposition of heavy duties by France and her dependencies upon many articles which have hitherto been profitably employing the industry of this country. If it had not been for the able speech of the right hon. Gentleman, and the omission from it of this particular consideration, and the exceptional position which, as I think, these Commercial Treaties ought to take in the estimation of the House, I should not have ventured to address to the House the few words I have spoken; but I think I have submitted to the House matter with respect to these Commercial Treaties which, I trust, will induce the House hereafter to insist upon an earlier recognition of its financial functions than has hitherto been the case.

MR. AUBERON HERBERT said, he thought his hon. Friend the Member for Warrington (Mr. Rylands) need not be at all discouraged at the manner in which his Motion had been treated; for he believed he had gained this much by it—that no Commercial Treaty was likely to be made by any future Government of this country without being previously laid before that House. The Prime Minister had acknowledged that a *de facto* right to criticise Commercial Treaties existed in the House of Commons; and the control over those Treaties now contended for would be only a legitimate extension of the rights which the House had exercised in financial matters for centuries. The French Chamber had the present Treaty before them. Why was it to be withheld from the House of Commons? The position was one in which it seemed to him most humiliating that the House should be placed. As to that part of his hon. Friend's Motion which related to Treaties of Peace, he believed that the withholding such Treaties from discussion in the House of Commons had a very bad effect. It tended to produce among hon. Members a certain carelessness with respect to foreign affairs. They felt that they were not responsible to the country, and therefore did not exert themselves to inform themselves on such subjects. Hence it was that there was not one hon. Member in twenty who really took an interest in questions connected with our foreign relations. That was one reason why the complaint was constantly made of us on the Continent that nobody could say what course would be taken by England on foreign questions, which would not be the case if the House felt itself as responsible in regard to our foreign relations as it did with respect to home affairs. It was scarcely fair, he might add, on the part of the Prime Minister to endeavour to frighten the House in the way he had done by talking of secret sittings. If the House possessed the thorough confidence of the country there was no reason, if the interests of the moment really demanded it, why the House should not, in dealing with Treaties, follow the example of the Senate in America, and hold such sittings. While believing that it was, as a general rule, far better to discuss questions in public, there was no reason, when the necessity for it arose, why such a course should not be taken, for there was in secret sittings nothing of which the House need be ashamed. It was also said by the Prime Minister, with even more than his usual force and eloquence, that the line of action proposed would greatly increase the difficulties in the way of carrying out Treaties. But it was, in his opinion, much better, when two countries were about to enter into a Treaty with regard to a very critical question, that the Treaty should be delayed and the whole matter thoroughly talked out—that whatever was done should be done with the full consent of the whole people, and only when the time for doing it was quite ripe—than that an arrangement should be made for which the hour was too soon and the two countries who were parties to it were not quite prepared. By leaving matters in the hands of the two Governments difficulties might no doubt for the moment be better managed; but difficulties got over in that way would be sure constantly to reappear in a worse form. The Treaty between England and America might, it was true, have been delayed if it had been discussed in that House; but then his belief was that better results would have been produced. The curious relic of power in such cases which was left in the hands of the Government, was, he believed, altogether contrary to the general principles of our Constitution, and could not last many years longer. For his own part, he put his faith entirely in that perfectly free, open system of which we had felt the advantages in other directions.

Mr. WHEELHOUSE regretted that the Motion of the hon. Member for Warrington was of so wide a character. Treaties of War and Peace, or what might be called Military Treaties, belonged to one class; but Commercial Treaties belonged to a totally different one, and the line between them was broad and distinct. He could quite understand that it might be desirable, for many reasons connected with the good government of the country, and with the maintenance of proper relations with foreign nations, that the power should be preserved to the Government of enabling them to deal with Military or Naval Treaties; but he earnestly protested against the conclusion of any Commercial Treaty before Parliament had had the fullest opportunity of saying whether that Treaty ought to be ratified or not. It was the duty of Parliament to carefully scan every word contained in such Treaties before they were concluded, so as to ensure that the nation should not be called upon to sacrifice any particular branch of trade unless there was the most urgent necessity for such a course. Parliament ought to be far more astute than it had hitherto shown itself in such matters, and ought especially to see that we were not called upon to give up everything and to receive practically little or nothing in exchange. In the case of Commercial Treaties they ought invariably to be laid upon the Table of the House of Commons for ratification. If the House were to insist upon that, it would really be nothing more than was insisted upon in nearly every country of Europe, even where discussion was not so free as it was in England. Reference had been made to what had occurred at Coventry and at Macclesfield, and certainly that ought to be a warning for the future with regard to the fortunes of the textile fabric trade. Within a circumference of a very few miles round the constituency he represented (Leeds) there were more textile fabrics made than were produced anywhere else in Great Britain, and in the case of Manchester, with its cotton districts, and Leeds, with its woollen districts, the slightest change or modification of the present aspect of commercial affairs by a trade Treaty might operate most harshly and hardly. There was one aspect of this question which he thought had not yet been sufficiently considered. If we were to go on giving our coals, our models, our machinery, and our skilled labour to foreign nations, as we had been doing for years, what was to hinder those foreign nations from successfully competing with us in our own markets, and in the markets all over the world? The interests of the artisans of this country ought to be considered, and it should be remembered that by as much as was prevented from flowing into their pockets for the productions of their labour might there be a tendency to pauperise the wage-class population of Great Britain. It was said that everything would come right in the end; but he had not much faith in such sanguine expectations. What he wanted was to see what he had to deal with, and to know what he had to give up. To a certain extent, no doubt, it was desirable that there should be secrecy in the earlier negotiations with regard to Treaties; but no step should be taken to bind this country for a certain number of years until we knew precisely what we were doing, what was expected of us, and whether an adequate return was to be offered for that which we were to give. The hon. Member for Nottingham (Mr. Auberon Herbert) had said something about being frightened. No one was likely to be frightened; but still it was the duty of Parliament to deal carefully and cautiously with these important matters, and not to allow the country to be rashly and hastily committed to a course of action which might turn out to be disastrous.

VISCOUNT ENFIELD could assure the Members of the House who had spoken on this subject that before this Treaty was proceeded with, the most ample information was sought and obtained from the various Chambers of Commerce of the United Kingdom. Those gentlemen were requested by Lord Granville, and they complied with the request, to appear before the Mixed Commission in Paris in order that their various claims should be considered. During the Recess, gentlemen representing the manufacturing and commercial classes of this country attended frequently at the Foreign Office, and subsequently upon the Commissioners in Paris. They gave their views, they entered into the fullest explanation before the French and the English Commissioners; and he believed that when the further Papers were presented to Parliament it would be seen that, by the advice of those gentlemen, very great and important alterations and emendations were made in the Treaty. He thought that, after careful consideration, the House would come to the conclusion that, so far as the Foreign Office was concerned, neither the commercial nor the manufacturing interests of this country had been neglected by the Treaty.

DR. BREWER said, an hon. Member had suggested that the people at large should be consulted on the subject of a Treaty before it was ratified. Now, as to the Treaty of Washington, which had been specially alluded to, he (Dr. Brewer) believed that if it had been first of all referred to the people of the two countries, such great exasperation would have been exhibited at the terms of the Treaty as would have utterly prevented the Government from performing their duty. That would have led to great procrastination, and, perhaps, ultimately to war. He thought the transfer to the House of the responsibility of the Government with reference to Treaties would be nothing but a delusion and a snare.

ARMY—THE 9TH LANCERS—CASE OF THE LATE SUB-LIEUTENANT TRIBE.

QUESTIONS.

LORD ELCHO, on rising to put Questions to the Secretary for War relating to the case of the late Sub-Lieutenant Tribe, said, that when he brought the case forward last Session he was in hopes that he would not have to trouble the House again upon the subject, and it was with extreme reluctance that he now felt compelled to refer to it. When he spoke of reluctance, it was just possible, if the Chancellor of the Exchequer were in his place, the right hon. Gentleman might not believe him when he said so, because last Monday, when he alluded to a grievance affecting an interesting class which it was desirable to bring forward on some suitable occasion, and when he urged the House to consider whether it was wise to take away the old privileges of the House of bringing forward grievances on the Order for going into Committee of Supply, the Chancellor of the Exchequer said that he (Lord Elcho) and those who opposed his Resolutions were simply actuated by a wish to speak in that House and to bring themselves prominently forward. Certainly, the right hon. Gentleman had had a good opportunity of forming an estimate of his character some years ago, when they were both inhabitants of the Cave; but possibly the Chancellor of the Exchequer was no more correct in the estimate he formed of the character of his friends than he had shown himself to be in framing a Budget, and perhaps therefore the House would give him (Lord Elcho) the benefit of the doubt. For the information of those hon. Members who were present, and who were, perhaps, not aware of all the circumstances of the case, he would say a few words upon the main points. On that occasion he showed that there was nothing in the question whether Mr. Tribe was what was called a "Cardwell's man," or had gained his commission without purchase. The serious question was that this officer had been placed under arrest by his commanding officer on a distinct charge of falsehood, and that a Court of Inquiry, consisting of very distinguished officers —Infantry as well as Cavalry—and presided over by General Lysons, was ordered to investigate the case. This Court went fully into the evidence, and, he believed, intended to report; but a telegram came from the Adjutant General desiring them not to report, and they obeyed. The next step was a Memorandum from the Adjutant General upon the evidence laid before the Field Marshal Commanding-in-Chief. The effect of this Memorandum was that if Mr. Tribe elected to remain in the Army, he must remain in the 9th Lancers, although his conduct in some respects was not such as had been characteristic of the British officer, and there was an addition to the effect that if he remained he was to be treated with cordiality. The result was that as this sub-lieutenant had not been relieved by the Court of the charge of falsehood, the officers declined to associate with him. He complained, and the next step in this strange story was that the Adjutant General went down to Aldershot officially, and told the officers of the regiment that the Secretary of State insisted upon obedience to the order of the Field Marshal Commanding-in-Chief; that any officer who did not obey would be removed from the regiment. After consideration the Adjutant General requested the colonel, on behalf of the regiment, to write a letter to him, stating the course which the officers intended to pursue. When he mentioned the case last year he was not aware of the exact nature of their reply, but he expressed his confidence that it could be none other than English gentlemen would give—namely, that as long as an officer in the regiment was unexonerated of charges of falsehood made against him by the commanding officer they must decline respectfully to associate with him socially, though they would, of course, do what was necessary in matters of discipline and duty. He had reason to believe that this was the actual tenor of the answer to the request made by the Adjutant General. To that letter the officers received no reply, and no further steps were taken with regard to it. He was told, however, that when the letter of the officers was received at the War Office, a committee met, composed of the Secretary of State, the Field Marshal Commanding-in-Chief, and other Generals. Amongst them was his right hon. Friend the Surveyor General of the Ordnance (Sir Henry Storks), who was strongly in favour of dissolving the regiment, pretty much as he would have dissolved a recalcitrant Parliament in Corfu, under his administration of the Ionian Islands. He said his right hon. Friend was in favour of dissolving the regiment, for he recommended that the threat of removing every officer from the regiment should be carried into execution; and that was much like dissolving the regiment. He hoped he was wrong in this statement; but so he was told, and he alluded to the point because, if he were right, it had an important bearing upon another branch of military administration, because it showed that his right hon. Friend, who had nothing to do with questions of discipline, and was not responsible for them, but simply happened to be a General in Her Majesty's Service, was nevertheless called on to advise the Secretary of State and the Field Marshal Commanding-in-Chief on these matters. Such a fact showed that there was something wrong in the administration of the War Office, and it was not desirable that a General Officer should be Surveyor General if he was to be called in to give advice on matters with which he had no official connection whatever. The Committee, however, came to the conclusion that no steps could be taken, and that an order forcing English officers and gentlemen by official authority to associate with another officer who had not cleared himself from a charge of falsehood was an improper and impossible order. The matter was, therefore, allowed to drop, and the regiment heard nothing more of it. The next stage in Mr. Tribe's career was that on the transfer of the head-quarters of the regiment to Woolwich, he absented himself three times without leave from stable duty. On the first two occasions he was reprimanded. On the third occasion he was taken before the Commandant, Sir David Wood, and was reprimanded by him; and he (Lord Elcho) mentioned last Session that on the very day he was bringing this matter before the House he received a telegram stating that Mr. Tribe was again under arrest upon the old charge of falsehood. He had now traced this history *ab ovo* down to the point when the question came before the House last year. The Secretary of State appealed to him not to bring it forward, as a Court of Inquiry was then sitting upon the case. The character of a most distinguished regiment, however, being at stake, he thought it his duty to persevere. He came now to the Court of Inquiry to which the Secretary of State had referred. That Court was appointed to inquire into complaints made by Mr. Tribe against the officers for not associating with him. Instead of this case of arrest for falsehood being dealt with in the ordinary way, the Quartermaster General was sent down to inquire into complaints made by Mr. Tribe against the officers; and in August Mr. Tribe, being summoned to the War Office, was taken there under arrest. The Adjutant General then informed him that his complaints had fallen through, and, by order of the Commander-in-Chief, severely reprimanded him, but then released him from arrest without alluding to the charges of falsehood, and directed him to return to his duty, stating that his conduct might still render necessary some further inquiry or be the subject of further proceedings. Why did the Adjutant General release this officer from arrest? The Court of Inquiry was appointed on the 19th of July, and on the 20th this officer was put under arrest by his colonel on charges of falsehood. It was to these charges that the telegram he had read in the House last year referred. They were forwarded to the Horse Guards by the General in command at Woolwich, Sir David Wood, for trial by a general Court Martial, as, in his opinion, the evidence was such as would insure conviction. But notwithstanding this, the Adjutant General, on reporting the result of the inquiry into matters which had nothing to do with these charges, released Mr. Tribe from arrest. Having been released from arrest, the next stage of the eventful story was that, Mr.Tribe was sent to the depôt of his regiment at York, and while there obtained three days leave to go to Doncaster. The Doncaster Races took place on the 9th of August, and on the 16th he was seen to leave the barrack yard at 5.30 p.m. with a little black bag in his hand. From that day to this the regiment had seen nothing of him; but soon after his flight it was discovered that he had left a considerable number of debts behind him. He was indebted to the regimental master tailor and the regimental master shoemaker; he had borrowed £11 from a sergeant in the regiment, and he had forgotten to pay his regimental servant's wages; several of his cheques were returned dishonoured, one of which had been paid by him to the mess sergeant, and another for £25 to a hotelkeeper at York. This cheque was drawn on Cox and Co., signed "L. Martin," and endorsed by Mr. Tribe; Cox and Co. returned it unpaid, as the only L. Martin who banked with them was an officer of the Lancers who had informed them it was not his signature. This cheque was submitted to Mr. Netherclift, the expert, who stated that, in his opinion, the whole of the cheque, including the signature, had been written by Mr. Tribe. It had been taken up by the officers of the regiment for the sake of the honour and credit of the regiment. This cheque, with the opinion of the expert as he was informed, was shown to the military authorities, yet no action was taken on the matter, and some time afterwards Mr. Tribe was gazetted out of the service "absent without leave." He had already stated he brought forward this question with reluctance; he had, however, been forced to do so through the acts of Mr. Tribe's friends. A pamphlet had been issued entitled *The Tribe Scandal*, of the existence of which he had no knowledge until a copy was forwarded to him. A letter signed "Civilian" had appeared in the newspapers on the subject, of which he had no knowledge until it was sent to him through the post; and a statement of the affair had been published in some of the newspapers, respecting which a solicitor's letter had appeared, he believed, in *The Morning Post*, signed Wilkinson and Son. This writer said he hoped the reports would not be believed by the public, and urged them not to form an opinion on the question until all the facts had been made public, and invited Lord Elcho to apply at the earliest possible moment in Parliament for all the Papers connected with the case, including a letter from Dr. Tomkins, dated the 30th of December last, to the Commander-in-Chief, in which he would find more than he expected or had been told of. After this distinct challenge it was impossible for him to refrain from bringing forward the question, and as regarded the letter of Dr. Tomkins, if it were what he believed it to be, it would give him no information. The letter of Dr. Tomkins to the Commander-in-Chief made a most cruel assertion as regards the officers of the regiment—as cruel as it was unjust. Admitting that Mr. Tribe forged a cheque and left in debt, got into trouble, and absconded, Dr. Tomkins declared that he was not responsible for his actions, because he had been driven into a state of insanity by the persecutions of his brother officers. On receipt of this letter, the Field Marshal Commanding-in-Chief, or the Secretary of State, or probably the Surveyor General, sent to Cox's for information as to the state of his account, because the letter stated, among other things, that Mr. Tribe, at the time, had ample funds, and therefore had no inducement to forge a cheque or leave his debts unsatisfied. The answer returned was that bills of his had been repudiated before, and that he had no assets. If any of these statements were inaccurate he should be glad to hear them corrected, nothing would give him greater pleasure. He could not personally vouch for the truth of them, they had not come within his own knowledge, but the source whence he had obtained them induced him to believe they were true. He had avoided, as far as possible, commenting on the various points; but having stated what he believed to be the facts, he wished to put a few Questions to the Secretary for War. He asked, first, Whether the right hon. Gentleman would lay on the Table the Papers connected with the case? He did not suppose he would. They had refused him last year; and if presented they would not give a complete history of the case, for no Memorandum was issued of the censure passed on Mr. Tribe, or of the explanations given to the officers. The proceedings by the Adjutant General were conducted orally throughout. He would further ask his right hon. Friend whether the circumstances he had stated, and which he was told could be substantiated, were materially correct? He would likewise ask whether he could give any satisfactory explanation of the apparently strange way in which this matter had been dealt with by the authorities? He asked this in the hope and belief that some such explanation might or could be given; for in the absence of it there was on the face of the case an appearance of weakness, vacillation, temporizing, and seeming partiality which tended to injure the public service by shaking the confidence of the officers of the Army in the fair and impartial administration of its discipline. He had no wish to bear hardly upon this poor man, but simply to support discipline. He admitted that matters of this nature should rarely and not rashly be brought before the House even under the new system, whereby power was centred in the Secretary of State, and the *quasi* fiction of the Prerogative of the Crown as to the special command of the Army had been weakened. It was, however, an answer given by the Secretary of State for War himself to the hon. Member for Hackney (Mr. Holms) that first brought this affair before the House, that answer being given in a way which conveyed an incorrect impression, and was hurtful as regarded the officers of the 9th Lancers. It was not only the right, but the duty of every hon. Member of the House, as the great inquest of the nation, to bring before it any question affecting the Army in which truth, justice, and discipline were at stake.

MR. CARDWELL: In whatever else I may differ from the noble Lord, I certainly shall not differ from him as to the right and duty of this House to inform itself upon the mode in which public duties are discharged; and it was in consequence of thinking that the House has a perfect right to know the result of any such proceedings that when my hon. Friend the Member for Hackney asked me the conclusion at which his Royal Highness the General Commanding-in-Chief had arrived in a matter of discipline that I felt it to be my bounden duty to answer the question in the manner I have done, because I thought the House of Commons would be satisfied with the announcement made, and would not wish to enter upon the discussion of such a subject. I abstained, therefore, from entering into any details or reasoning on the subject, which I was sure the House would deem to belong to the administrators of the Army—that is to say, his Royal Highness and the Adjutant General, and should not be entered into in this House. I gave that answer after consultation with his Royal Highness, and I still maintain that an hon. Member putting a Question as to the result of an inquiry had a right to be told what the result had been. I am also prepared to maintain that it would not be a good example or consistent with principle or the discipline of the Army that I should go further and enter into details and arguments. This has been an unhappy case, and it has been so much dealt with by the noble Lord that I really wonder I have never been able distinctly to elicit what is the grievance which with such very great reluctance he has twice brought before the House. I presume it is that he supposes the discipline of the Army has in some way been taken, or sought to be taken, out of the hands of his Royal Highness by the Secretary of State. [Lord ELCHO: No.] If that is disavowed, I really do not know what the grievance is. The question has been handled from beginning to end by those responsible for the discipline of the Army. [Lord ELCHO: Hear, hear.] The noble Lord stated last year that he had no charge to prefer against his Royal Highness or against the Adjutant General, and that his only charge was against myself. [Lord ELCHO: No.] The noble Lord so stated, and I was present and answered the charge. If that was not the complaint I really do not know what it is. I proceed to give a narrative of what has actually occurred. In the first place there seems some sort of confusion about the mode in which Mr. Tribe entered the Army. The noble Lord apparently intended to suggest that I took some sort of interest in this young man because he came in under the new system. [Lord ELCHO: No, no; it was *The Daily Telegraph.*] Whoever said it, he no doubt came in under the new system, because he got his commission without purchase; but the way in which the new system applied to him was this—he came in as a probationer, and would have been liable to have his commission taken from him unless he obtained the proper certificates of conduct the first year. He had been on the list of those already deemed entitled to commissions under the old system, and he came in on the terms of the new system. He went to Sandhurst under the new arrangements, and did not stay the whole of his time there, but left, as the distinguished governor of that Institution told me, without any charge having been made against him. When the time came for him to join his regiment, instead of being allowed to join it, he was asked on behalf of the subaltern officers, in a letter which I hold in my hand and which has been widely circulated among all who hear me, whether he had any objection to being transferred to another regiment. There were circumstances respecting that letter which received the marked censure of his Royal Highness. Then there were complaints on both sides—complaints from his Commanding Officer and complaints on his part, and a Court of Inquiry was appointed to examine into them, and means were taken to make it effectual. Nothing, as the noble Lord says, could be better than the constitution of that Court, but he says a telegram was sent down from the War Office ordering it not to deliver its judgment. Now, in words that is true, but in spirit it is not at all true. I am informed—and I am speaking in the presence of officers, and I have referred to the Queen's Regulations—that a Court of Inquiry does not report an opinion unless it is directed to report an opinion. This Court of Inquiry had not been directed to report; they telegraphed to the Adjutant General to know whether they were to report an opinion or not, and the answer was No, they were only to furnish information. Thereupon the information was laid before His Royal Highness, and was decided upon by him, with the assistance of the Adjutant General and the officers around him. This had been done several days before the proceedings came to my knowledge at all; and it was only when my hon. Friend the Member for Hackney put a question on the subject that it became my duty to inform myself about them. Accordingly, the laborious and very unpleasant task was laid on me of reading all these proceedings from beginning to end, and I could only give my opinion for what it was worth, that his Royal Highness and the Adjutant General could come to no other conclusion than that at which they had arrived. They gave their order accordingly, and the result I stated in answer to my hon. Friend. To say, therefore, that the Court had reported——

Lord ELCHO: I said they were told not to report.

MR. CARDWELL: But the noble Lord said the officer had been charged with falsehood, and had not been exonerated by those who sat in judgment upon the charge. I deny that altogether. The Court of Inquiry were not authorized to sit in judgment or to give their opinion, but those who did give it were his Royal Highness and the distinguished officers by whom he is surrounded. They sat in judgment upon the information with which the officers furnished them. They came to the conclusion that the charges had not been proved, and, coming to that conclusion, they communicated it to the regiment.

Lord ELCHO asked whether he had been correct in stating that the Memorandum giving the opinion of his Royal Highness and the Adjutant General contained the words—"Although his conduct had in some respects not been such as had hitherto been characteristic of a British officer?"

Mr. CARDWELL: There were some qualifying observations.

Lord ELCHO: The whole question lies in that.

Mr. CARDWELL: No, it does not. The whole thing turns on the conclusion at which the Commander-in-Chief and the Adjutant General arrived. The noble Lord then says there were charges brought against this unfortunate man which the General Officer who commanded at Woolwich thought sufficient to justify a Court Martial, and he wished to know why the Adjutant General, while reprimanding Lieutenant Tribe, took no notice of these charges. I will tell the noble Lord why. Because these charges had been very carefully considered in the Adjutant General's Office, and the Adjutant General differed from the Commanding Officer at Woolwich, and did not consider that the facts were sufficient to substantiate the inquiry or to justify the Court Martial. The Adjutant General did not, therefore, use these charges in the way of reprehension or censure of the individual whose conduct had been impugned. The noble Lord then said that a document had been presented to the Commander-in-Chief making cruel charges against the officers of the regiment, and he asks me to tell him something of the contents of that document. I will tell him just this much—that the Commander-in-Chief did receive such a document, and that it called upon him to institute an inquiry, and threatened legal proceedings. He said—"If you threaten legal proceedings you have no right to call upon me to institute an inquiry, nor is it fair to the gentlemen who are going to be submitted to a legal inquiry." The Commander-in-Chief, therefore, laid the document entirely aside, and having done so, I am not going to gratify the noble Lord's curiosity as to anything I may know about the contents of that document. What happened? The first complaint was inquired into by a Court of Inquiry, presided over by General Lysons. Those who were responsible to the Commander-in-Chief and the Adjutant General carefully considered with them the evidence taken before the Court of Inquiry, and they arrived at their own independent judgment. They communicated that decision to the regiment, and there that matter ended. There were further complaints upon the part of Mr. Tribe against the officers, which were investigated by Sir Thomas M'Mahon, and the result was communicated to all the parties concerned. Complaints were made from Woolwich relating to charges of falsehood. They were carefully considered by the Adjutant General, and as those charges could not be sustained, the Adjutant General declined to act upon them at all. Complaints were then made by the officers against Mr. Tribe, and investigated by the Quartermaster General and a Court of Inquiry, which went down from the Horse Guards. The result of that inquiry was also communicated to the officers of the regiment and to Lieutenant Tribe. The noble Lord was mistaken in saying that the Adjutant General told Lieutenant Tribe that his conduct might call for further investigation. What he actually said was that he was a probationer, and that he must not think that by the result of the Court of Inquiry his past conduct had been condoned, but that at the end of his period of probation all his conduct would be taken into consideration by the Commander-in-Chief, and that on its being approved or not would depend the conclusion at which the Commander-in-Chief would arrive. The noble Lord said that Lieutenant Tribe had issued dishonoured cheques, and that one of them was a forgery. [Lord Elcho: Believed to be a forgery.] And then the noble Lord asks me whether that is true. I wonder that the noble Lord, who says that if I think so it is my duty to prosecute that soldier, did not consider it more proper for me not to enter into the truth of those charges of which I have no evidence before me, particularly as they might hereafter become the subject of legal investigation. It is not my province to give the noble Lord any opinion as to the truth of those charges. I limit myself to saying that it is true that it has been reported to the military authorities that such was the opinion of the officers of the regiment. The noble Lord also wants to know whether any inquiry was made at Cox's. To my knowledge no such inquiry was made. I cannot tell the noble Lord everything I learn in the course of my duties. He seems to have some eavesdropper at the War Office who appears to know exactly what happened, because he seems to know not only who met to consider the question in the room where I discharge my duties, but some one under the table, or somebody else, knows exactly what the Surveyor General of the Ordnance said, and also what the Commander-in-Chief and I said. The noble Lord has no right to carry his curiosity so far, and he will derive no assistance from me. I have great difficulty in knowing what is the grievance with which I have to deal. Is it that I have taken this matter out of the hands of the military authorities with whom the primary duty of investigating it rested? If so, that is a total and entire hallucination on the part of the noble Lord. If any hon. Member puts a question to me, it is no doubt my duty fully to inform myself thoroughly of the case and to give an answer as to the result. Here was a young man who was on his Royal Highness's list, and who, having passed his examination, joined his regiment. He has since been the subject of these various inquiries, of which I have given the detail, as the House has appeared to desire. At every step the greatest attention has been paid to all these complaints by those who were responsible for the discipline of the Army. As it has been made a political question, or rather has been made the subject of so much discussion, I must say that I believe the military authorities have discharged their duty ably, faithfully, conscientiously, and with a desire to do justice. This young man has left the Army, and, under all the circumstances, I really think that this question has occupied the time of the House much longer than it ought to have done.

MR. BARNETT wished to say a few words on behalf of the officers of the 9th Lancers. He had been thrown on more than one occasion into their company, and as no mention had been made of the high character of the regiment, or of the officers by whom it was commanded, from a long acquaintance with the Colonel, he wished to say that a higher-minded, more courteous, and more kind-hearted man did not exist. He was not the man to oppress or act unfairly towards any individual placed under his command. In his (Mr. Barnett's) intercourse with the officers of the regiment he had heard the subject discussed over and over again, but never heard any unkind feeling expressed by them against this young man, except that he had not conducted himself in the manner in which gentlemen expected officers to conduct themselves. The Secretary of State was quite justified in saying that these matters had better be left in the hands of military authorities, and he (Mr. Barnett) deprecated the practice of bringing them before the House of Commons. Although the question of truth had not been reported upon by the military authorities, it would be for the House and the public to consider whether there had not probably been some want of truth on the part of the young man who had quitted the Army under such circumstances. The House had to lament in this case the effect of letters which had appeared in the newspapers, the writers of which sometimes paid little attention to facts. The matter had now passed away, and the House would be glad to hear no more of the case of Lieutenant Tribe.

LORD EUSTACE CECIL wished to say a few words in vindication of his noble Friend (Lord Elcho), whose motives had been misunderstood, and who did not desire to make a personal attack on the right hon. Gentleman the Secretary of State or on the Field Marshal the Commander-in-Chief, but to advocate the cause of the officers of the 9th Lancers. He believed that regiment had suffered a great deal from what had been said about it in the public press, and this circumstance had no doubt gone much to the heart of those officers who were now in the regiment, and of those who had left it. He therefore regretted that the right hon.

Gentleman the Secretary for State had not in his very long reply said a few words on behalf of the officers of the regiment. It seemed to him that errors of judgment had been committed, but, at the same time, he must confess he did not think a sufficient answer had been given to the statement made that evening by his noble Friend. There was a Memorandum which stated that if Mr. Tribe remained in the Army he must remain in the 9th Lancers, although it was said that in some respects his conduct had not been such as was characteristic of a British officer. Now, this was the whole gist of the question. Why were not some steps taken to get rid of a man whose conduct had been so described? for there was not the least doubt subsequent events proved the correctness of this Memorandum. In conclusion, the noble Lord expressed a hope that no such painful case as this might again be required to be brought forward in that House, and that hon. Members would hear of no more "errors of judgment" on the part of military authorities.

Sir HENRY STORKS said, he shared the opinion of his right hon. Friend the Secretary for War when he stated to the noble Lord that he did not quite know what he was driving at—whether against the Secretary of State for interfering with the discipline of the Army, against the Commander-in-Chief for not arriving at a proper conclusion, against him (Sir Henry Storks), or against the 9th Lancers. The noble Lord seemed to aim especially at him (Sir Henry Storks) and the Chancellor of the Exchequer, as he spoke of the happy days he passed in "the Cave" with his right hon. Friend. He agreed with his right hon. Friend the Secretary of State that there had been errors of judgment on all sides in this question. There was no doubt that this was a case which, in the first instance, ought to have been settled regimentally; and, if it had not been so settled, it ought to have been dealt with by the authority of the General Officer commanding on the spot. But, as it happened, it came up to his Royal Highness the Field Marshal Commanding-in-Chief to be settled, and he ordered a Court of Inquiry. In this place he wished to make some professional observations with reference to the remarks of the noble Lord. The Court of Inquiry was ordered to assemble in the usual way to investigate all the circumstances connected with the case. The Queen's Regulations pointed out the course to be pursued, and in accordance with them the General Officer commanding at Aldershot caused a Court of Inquiry to assemble to take evidence and to report it in the customary way. No instructions to the contrary by telegram or otherwise were sent from the War Office to the President of the Court. The President of the Court subsequently applied to the Adjutant General to know if the Court was to give an opinion, and he was informed in reply that it was not. On the receipt of the proceedings of the Court, the Field Marshal Commanding-in-Chief settled the question by giving his decision, parts of which had been referred to by the hon. Member for Essex (Lord Eustace Cecil), though not the end of it, for the following expression of opinion was also given—

> "His Royal Highness highly disapproves the letter written by Lieutenant Green to Lieutenant Tribe in the name of his brother officers, and would take serious notice of any repetition of similar conduct which might be brought under his notice."

There the matter ought to have ended; but the noble Lord proceeded to quote the decision of the Commander-in-Chief that Lieutenant Tribe was to remain in the 9th Lancers. But it should be remembered that the Commanding Officer would be required, on the expiration of 12 months, to report whether Lieutenant Tribe were a fit officer in a military sense or not, and that, if not, he would have been removed from the service. Then the noble Lord complained that the Adjutant General went down to Aldershot, assembled all the officers together, and communicated to them further remarks made by the Commander-in-Chief. This, he maintained, was by no means an unusual proceeding, but a customary, a proper, and a reasonable one. Adverting to that part of the noble Lord's speech which referred especially to himself, he quoted a remark of a late hon. Member of that House that the noble Lord had a large swallow, but a very weak digestion. That evening the noble Lord had proved the truth of that remark. For his own part, he emphatically denied having made use of the expressions attributed to him by the noble Lord, and that at the meeting at the War Office he was very earnest in expressing his opinion that he thought the 9th Regiment should be dissolved—he thought that was the word used. [Lord ELCHO: No, no!] At any rate, the noble Lord represented him as being responsible for the discipline of the Army, with which he in no way interfered. He held, however, that the Secretary of State had a perfect right to ask him his opinion on any subject connected with his (Sir Henry Storks) duties, or on any other military subject, if he thought that his opinion, after his long connection with the Army, would be of any benefit to him, and he intended on all occasions when asked to continue to give his opinion. But he distinctly disclaimed that he was in any way responsible for the discipline of the Army. As to the arrest of Sub-Lieutenant Tribe at Woolwich, the General Officer there was the mere channel for transmission of letters and papers, and it was no part of that officer's duty to decide whether Mr. Tribe should be brought before a Court Martial or not. When the papers came to the Commander-in-Chief it was considered from the *précis* of the evidence that the evidence would not support the charges, and when the Adjutant General went down to Woolwich of course he did not refer to these charges, or tell Mr. Tribe that the evidence submitted against him would not warrant the charges. He appealed to the House if anything could be more regular than that, and he was at a loss to see what other course the Commander-in-Chief could have pursued. Again, Mr. Tribe had been gazetted out of the Army in the usual way, for being absent without leave from his Commanding Officer, as he himself or any other officer would be if they were absent without leave. There had been no irregularity or anything to complain of in Mr. Tribe being gazetted out of the Army. As regards the remarks of the hon. Member for Woodstock (Mr. Barnett), he was quite sure it was neither the wish nor the intention of his right hon. Friend, nor of the Field Marshal Commanding-in-Chief, to say anything which was not most respectful, most praiseworthy and honourable to the officers of the 9th Lancers. There could be no officer in the Army who did not appreciate the services, and gallantry, and general conduct and high position which that regiment had always rendered and borne in the Army. He was sure he only represented the feeling of those in authority, of those who knew the regiment, in the House and out of it, when he said that a more gallant and distinguished regiment did not exist. There had been errors in judgment, but there had been none on the part of the Commander-in-Chief, who had tried this case from beginning to end with a due regard to discipline, with a regard to impartial justice, and, at the same time, with that decision for which his Royal Highness was characterized. He hoped that what he had said of the officers of the 9th Lancers would be satisfactory to the hon. Member for Woodstock, and that the explanations he had given in reference to the case generally would be considered sufficient.

MAJOR GAVIN, having had the honour of serving with the 9th Lancers, said, he did not wish the debate to close without his saying a word for the regiment. He wished first to ask whether this was a question for the House of Commons to settle, and whether such a paltry and petty matter ought to be brought before it? If he were Commander-in-Chief he would not hold the office 10 minutes if the House of Commons attempted to interfere in such a matter. Respected as his Royal Highness was by every soldier and officer, surely his conduct in such a matter was not to be submitted to a House consisting mainly of civilians? The Officer Commanding the 9th Lancers had commanded it with vigour and with due regard to its welfare. Looking, therefore, to the welfare of the officers and the regiment, the commander of the 9th Lancers was bound to get rid of a man who had acted as Mr. Tribe had done. Extreme measures were taken in this case, and one of the last was sending a letter to the Commanding Officer, desiring that he should make his officers associate and live with Mr. Tribe, and, as a gallant and honourable man, he wrote back to resign his Commission because he could not comply with the request. He could not allow the slightest slur to be cast on this gallant corps; and believing as he did that Mr. Tribe was a disgrace to the regiment, he thought that the sooner he was got rid of the better.

Mr. CARDWELL said, that the hon. and gallant Member who had just spoken was quite in error in supposing that the Commanding Officer of the regiment had written to resign his commission; that idea was quite unfounded. For himself, he begged to say nobody shared more fully than he did the feelings of respect that were entertained for the Commanding Officer and for the reputation of the 9th Lancers; and his right hon. Friend (Sir Henry Storks) desired him to say that if he was supposed to have thrown any slur upon that officer, or on the regiment, he certainly did not intend to do so.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

Supply—*considered* in Committee.

Committee report Progress; to sit again upon *Monday* next.

UNION OF BENEFICES BILL—[Bill 28.]

(*Mr. Spencer Walpole, Viscount Sandon, Mr. William Henry Smith, Mr. Andrew Johnston.*)

SECOND READING.

Order for Second Reading read.

Mr. SPENCER WALPOLE, in rising to move that the Bill be now read a second time, said, he was ready to accede to the Motion of which Notice had been given by the hon. Member for the City of London (Mr. Crawford), that it should be referred to a Select Committee. The object of the measure was to amend the Act of 1860, and to institute a better machinery for the carrying out of the purposes of that Act.

Mr. CRAWFORD said, that as his right hon. Friend had agreed to refer the Bill to a Select Committee, his hon. Colleague had been relieved from the necessity of persevering in his Motion for the rejection of the measure. He agreed with the right hon. Gentleman in thinking that the Bill was a valuable one, but exception was taken in the City to some of the changes now proposed, especially on this point—that whereas each parish has now the power of interposing its dissent, to prevent any scheme being carried out, that power would be withdrawn by the Bill. In regard to the composition of the proposed Commission, it seemed to him that there would be an undue predominance of the clerical element, and he could see no sufficient ground for giving to the Bishops of Winchester and Rochester the right of each nominating a Member of the Commission.

Motion *agreed to.*

Bill read a second time, and *committed* to a Select Committee.

And, on February 25, Committee *nominated* as follows:—Mr. Attorney General, Mr. Crawford, Mr. Whitbread, Mr. Walter, Mr. Stone, Mr. Charles Reed, Sir James Lawrence, Mr. William Henry Smith, Mr. Mowbray, Mr. Cross, Mr. Cubitt, Mr. Francis Powell, Mr. Beresford Hope, Mr. Cavendish Bentinck, and Mr. Spencer Walpole:—Power to send for persons, papers, and records; Five to be the quorum.

CONTAGIOUS DISEASES (ANIMALS) ACT.

MOTION FOR A SELECT COMMITTEE.

Mr. CLARE READ, in moving that a Select Committee be appointed to inquire into the operations of the Contagious Diseases (Animals) Act, and the constitution of the Veterinary Department of the Privy Council, was happy to say that the right hon. Gentleman the Vice President of the Council had assented to his Motion, and although it might on that account be considered unnecessary for him to make any statement to the House, he thought he should not ask for such a Committee without stating the reasons why he did so. Any question having reference to the supply of meat at the present time must be of vast importance. Within the last 20 years the price of beef and mutton had almost doubled, while that of pork had been nearly stationary. No doubt that increase of price was partly occasioned by increased consumption; but the unfortunate droughts of 1868 and 1870, the cattle plague of 1865, and the continuous outbreaks of foot and mouth disease and pleuro-pneumonia had also very much to do with it. It was highly essential to guard the health of our home stock rather than place our chief reliance on the foreign importations, which did not amount at present to one-tenth of the consumption of the country. There was no party feeling in this Motion; he would be seconded by an hon. Gentleman who sat behind Ministers. He should say nothing disrespectful of the right hon. Gentleman the Vice President of the Council. He thanked him for the very courteous reception he had at all times given to the deputations that waited upon him. Even when he had to express a negative, it was always couched in the most respectful and courteous language—an example which might advantageously be copied by the heads of other Departments. But it was quite possible that the right hon. Gentleman was better acquainted with the Ballot and with Education than the cattle diseases, and he might have left too much to the subordinates of his Department. He had been pressed on both sides, first by the consumers, and then by the producers; but both of them came to the same conclusion, and told him plainly that the Act worked badly and required amendment. Notwithstanding the expense, trouble, and restrictions of the Act, they had gone from bad to worse, till in 1872 they had reached what he hoped was the climax of the cattle disease. The Act of 1869 was a half-and-half measure; and a compromise as affecting disease was sure to fail. It was a halting between the unanimous Report of the Cattle Plague Commissioners and the veterinary authorities of the Privy Council Office. The Commissioners said there must be a total isolation of foreign cattle, and then they might have a strict regulation of the home trade; but the Bill did neither, and had consequently failed. He could not separate the Act from the Department that had administered it. That Department seemed to publish their Reports about three years after they were due. In 1867 he happened to know that the Cattle Plague Report was in print, but it was not laid on the Table till the latter part of 1869; and now, three years after the passing of the Contagious Diseases (Animals) Act, they were favoured with a Report of 14 pages. It stated that the first 18 months following the passing of the Act were occupied by the Department in getting it put in force; but that, taking the year 1871 as that in which its powers were fully in operation, the result was the occurrence in England and Scotland in that year of 5,869 cases of pleuro-pneumonia, and of 691,000 cases of foot and mouth disease. If they compared the beginning and the end of that year, the figures were these—that in January the average number of farms infected with pleuro-pneumonia was 90; in December it was 113; in January the number infected with the foot and mouth disease was 1,100; in December it was 5,500. In his own county of Norfolk in 1871, there were 32,000 cases of foot and mouth disease; in 1872 the number was no less than 200,000. The great proportion of the animals affected was, fortunately, sheep; but at least 2,800,000 lbs. of meat had been lost from this cause, or a weight equal to that of 5,500 carcases of foreign bullocks in the county of Norfolk from that one disease in 1872. In the Report there was a very considerable flourish made about cattle plague and sheep pock having been kept out of the country; but in July, the very month when this Report was written, there were imported direct from Russia several cases of cattle plague. The Department sunk the carcases at sea, and 17 of them were washed up on the coast of Norfolk, and if they in that county had not been very quick in burying them, there might have been an outbreak of cattle plague. No proper provisions had been made in this matter, except in the port of London. When the outbreak of cattle plague occurred in Yorkshire, with all the powers of the Act, there had been a certain lack of vigour and determination. The disease should have been stamped out at once. It was necessary that the Privy Council should have power to send down their Inspectors and kill not only the arrivals affected with the disease, but all which were contiguous to them; and if they did this by the action of the central authority, the whole compensation for the cattle killed for the public good should be borne by the Imperial Exchequer rather than be thrown on the county rates. Whatever was the nature of the disease of pleuro-pneumonia, the Act was wholly unable to resist its progress. In 1872, in his own county, there were 1,621 cases, whereas in the previous year there had been only 389 cases. It had been said that the local authority had not done its duty, but that he altogether denied. At the time of the cattle plague Norfolk had set an example to England, as Aberdeenshire did to Scotland, for stamping out the disease. Norfolk on that occasion did, as he hoped it always would do, its duty, however unpleasant that duty might be. The Report on the foot and mouth disease was at variance with all the evidence which had been taken before the Committee of this House and the Cattle Plague Commission. It says that it is the duty of the Department to carry out any experiments relating to these diseases, and it adds that some cattle had died in consequence of having been improperly treated. But it had not given a single receipt, recommendation, or suggestion for checking the disease, except that which related to carbolic acid mixed with whitewash. But the Department issued arbitrary forms and orders, which some could not understand and many would not obey. They made Inspectors return all sorts of forms, which he supposed would be published three years after they reached the Department. Then they expressed a doubt whether the foot and mouth disease could not be raised spontaneously. But why not employ a man like Dr. Saunderson, who investigated the cattle plague thoroughly, and proved that it could not be produced spontaneously, to go into the matter? This last outbreak had been peculiar in attacking sheep with a virulence never before known. It was before unknown that cattle could be attacked twice in 12 months; but they had been attacked twice, and even three times this year. Then the Department appeared to be above receiving suggestions. That they should not do so from one sitting on the Opposition side of the House might, perhaps, be expected; but they treated Radical Members in the same way. Take the case with regard to Irish cattle. The Lord Lieutenant said that Ireland was entirely free from disease, and the Reports confirmed that statement. Well, a man bought a number of cattle, as he had done, and took the utmost care in every possible way that no contagion approached them, and yet in three or four days after reaching England the whole of them fell down dead with the murrain disease. He believed that the hold of the ship was the place where this disease was generated, and it would be easy to make a few experiments to see whether better ventilation could not be introduced. If we could ventilate a coal mine 600 or 700 feet deep, it ought to be far easier to ventilate a ship's hold. The Report went on to say that the foot and mouth disease could not be connected with importation—that increased importation did not appear to be followed by increased disease. But during the cattle plague restrictions, not only was the cattle plague got rid of, but foot and mouth disease was exterminated in this country, and it was not until the foreign sheep were turned out of the Metropolitan Market that we had any outbreak of foot and mouth disease; but from that time we had continual outbreaks, which reached colossal dimensions, as it did last year. He would give one or two illustrations of practical defects in the Act. Pleuro-pneumonia was treated in this way—You might remove diseased cattle for immediate slaughter; but there was no power to remove those that were healthy, even to save them being starved. With regard to foot and mouth disease, if a herd was going to market you could lay your hands on those which were infected and stop them; but the rest were allowed to go to market and thus to distribute the disease all over the country. He thanked the right hon. Gentleman for having provided a good supply of water at the railway stations, and also for having taken it upon the Department to appoint Inspectors at the ports rather than leave their appointment to the Customs. But there was one thing which the right hon. Gentleman had not done, and that was to help agriculturists to avoid the frightful delay which their cattle experienced at the different railway junctions. A gentleman had a lot of cattle loaded at the Norwich station at 6 o'clock on Monday morning to go to Deal; but they did not arrive at Deal until 25 minutes past 2 on Wednesday, and never received either food or water on the transit. The hon. Member for Aberdeenshire sent him a lot of valuable heifers, which left Aberdeen at 10 o'clock on Monday morning, but were not received at the station near his residence until the Thursday following. There seemed to be an increasing objection to the development of the dead meat traffic owing to the prejudice of the butchers; but on every principle of health, economy, and humanity we ought to encourage the trade. If Aberdeen could supply the West-end of London with the best dead meat, there could be no difficulty whatever in transferring dead meat from the ports to the midland towns. The supply of a perishable commodity like fish was regulated by the telegraph; why should not the supply of dead meat be regulated by the same means? There ought to be greater facilities for developing the dead meat trade. When the City undertook anything they generally did it thoroughly well; and their market at Deptford was an excellent one; but it had this one serious defect, that it had no railway connection with it. The Act, which was costly in its operation, had failed to effect the object for which it was passed, and the Department to which its working was committed had failed also, except in the matter of spending a great deal of public money. He hoped that on the Committee for which he moved all parties interested would be represented—not only consumers, but producers, from all parts of the United Kingdom, and he was particularly desirous that they should have the valuable assistance of several Irish Members. The importance of securing the services of Irish representatives would be apparent to all who remembered that the import of cattle from Ireland was far greater than that from all other countries. As a Norfolk man, one of those whose county bought from Ireland 40,000 store cattle in the year, he felt how essential it was that they should be received in the best possible condition. The hon. Gentleman concluded by moving for the Committee—the inquiry to embrace the operation of the Cattle Diseases Acts in Ireland.

MR. BASSETT, in seconding the Motion, said, that his hon. Friend who had just sat down had dealt with the subject as a producer. He proposed to approach it from the consumer's point of view. He was strongly of opinion that it was as much a consumer's as a producer's question. When he reflected upon the very small proportion of foreign stock and meat they had in the country—namely, about 4¼ per cent in live stock and 4¼ per cent in dead meat, as against 91½ per cent of home stock, he thought it must be evident to all that it was very needful every precaution should be taken that in having free trade in all that is healthy and good they should have protection against all that is injurious and bad. The most sanguine Freetrader would not, he thought, be in favour of free trade in disease. They must all feel for the very painful position which the Vice President of the Council was often placed in—pressed, as his hon. Friend had said, on one side by the consumer, and on the other by the producer. He was sure the House would be desirous of relieving him of his difficulties, and to that end he trusted they would support the Motion before them. There seemed to be a delusion in the minds of many persons that farmers were opposed to the importation of foreign stock. They were not opposed to the importation of healthy stock. They were, on the contrary, directly interested in it. A very small number of farmers bred their own stock. He believed it would be found that in Buckinghamshire and Bedfordshire out of every 50 farmers not more than two were breeders of their own stock. They had consequently to buy stores in the spring and autumn, and if the price of meat was very high, stock had to be bought at such a price as to give very little chance of ultimate profit. Any means, therefore, that could be devised which would have the effect of securing a supply of sound store stock would be hailed by the farmers with great pleasure. He knew of one case in Buckinghamshire in which a farmer laid out from £20,000 to £25,000 in stock, and just before the cattle were ready for market, disease which had been brought from Bristol market broke out, and the depreciation in the stock amounted to more than 30 per cent. In Herefordshire, the statistics showed that of the cattle attacked—as they had been in great numbers—40 per cent died, while of sheep and pigs over 20 per cent died. These were serious facts, and showed clearly that it was time some effective measures were taken to put a stop to so disastrous a state of things, and the sooner decisive steps were taken the better.

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire into the operation of the Contagious Diseases (Animals) Act, 1869, and the Cattle Disease Acts (Ireland), and the constitution of the Veterinary Departments of Great Britain and Ireland."—(*Mr. Clare Read.*)

MR. DENISON said, that his hon. Friend (Mr. Read) had by implication rather than by direct statement thrown some obloquy on railway companies for their neglect in the conveyance of cattle. Certainly his hon. Friend did bring forward two very gross instances, which were, perhaps, susceptible of some sort of explanation. He would, however, mention a case which came within his own knowledge, and which tended to show that the railway companies were not always to blame. Some time since a number of Irish cattle were taken in transit at Liverpool, and the truck in which they were conveyed was filled to the utmost by the drover with a view to save expense. At Retford Junction where the company were compelled by the Act to keep water for the use of the cattle they were taken out, and they drank and were fed. But inasmuch as the same number of cattle after being fed could not be squeezed into the truck again, some had to be left behind, the railway servants not knowing what to do with them, and the North-Western Company were actually sued by the owner for damages arising from cattle losing the market at Peterborough, owing to the delay at Retford. This fact would show the difficulties with which the companies had to contend in the conveyance of cattle.

MR. J. W. BARCLAY: Sir, I wish to make a few remarks upon the experience of the people of Scotland on this subject. I cannot concur in the disparaging remarks on these Acts made by the hon. Member (Mr. C. S. Read), for with respect to Scotland, and especially in the North-eastern counties, their operation has been highly beneficial; but, at the same time, it is to be remembered that the legislation was very much of a tentative nature, and I am sanguine that the experience of the last few years will enable those interested in the trade to point out several improvements that can be made towards simplification of the present mode of dealing with disease. In supporting the Motion, I trust the House will bear with me for a few minutes while I briefly submit a few facts, showing the magnitude of the interests involved in this question. Several figures have been quoted on both sides of the House to-night. I am not sure on what authority those statements have been made; but I have looked carefully into the figures for myself, and taking the Agricultural Returns of 1871, I estimate the total value of the cattle and sheep of Great Britain —I do not include Ireland—at no less than £115,000,000 sterling. Now, Sir, that is about double the value of the total amount of the registered shipping of the United Kingdom. This stock, I estimate, supplies annually animal food to the value of £48,000,000 sterling. Now, Sir, taking the Board of Trade Returns also for 1871, the total value of the live stock imported is estimated at £5,370,000. The proportion which the foreign supply bears to home produce is thus only about one-ninth, or about 10 per cent of the whole supply. That is what I find from the Statistical Returns, and when I state further that an animal is deteriorated almost 10 per cent of its value by even an ordinary attack of foot and mouth disease, it will be at once seen of how great importance it is not only to the farmer, but also to the consumer, that our herds should be protected from disease in the best possible way that can be devised. I do not anticipate that it will be found necessary to have any increased stringency of the provisions of the Act; neither do I think that it will be necessary to augment the powers of the Privy Council under the Act. So far as the experience of Scotland has gone, the Veterinary Department of the Privy Council has exercised those powers judiciously, promptly, and energetically—and, speaking for the counties which I know best, entirely to the satisfaction both of the farmers and the people at large. The local authorities in Scotland have acted up to their full powers under the orders of the Privy Council, and I am convinced that if local authorities generally throughout the kingdom would act up to the orders of the Privy Council with the same energy and efficiency, contagious disease among animals would be very soon exterminated, and, if re-introduced, quickly put down. But there is reason to suspect that certain local authorities do not carry out the provisions of the Orders in Council with the zeal which one could wish to see, and which we are entitled to expect; and I think it would be highly desirable, in adjusting the provisions of the Act, that authorities should be taken to exercise a control and supervising power over the mode in which local authorities carry out their duties. If the local authorities in the districts in Yorkshire which have been referred to had been as zealous in carrying out the duties imposed upon them by the Orders in Council as the people in the North of Scotland, I do not think that the cattle plague would have existed nearly so long in that part of the country. A good deal may, I think, be done in respect to the constitution of local authorities, to introduce more simplicity as well as greater economy in the working of the Act. In the county which I have the honour to represent there are no less than six local authorities, one for the county, and one in each of the five boroughs within the county. Now, Sir, it is quite possible for each of those local authorities to issue separate regulations under the Orders in Council, and it is necessary for any person dealing with cattle, not only to be acquainted with the Act and the Orders in Council, but with the provisions and regulations of each of the local authorities in the county. It is evident that it would require a lawyer to understand the position of the farmer who wishes to move his cattle when the regulations are in force, and at present it is utterly impossible for the great majority of farmers and cattle-dealers to know what they may, and what they may not do. I therefore think that arrangements ought to be made, if possible, whereby there should be only one local authority for each county. I am fully persuaded that this would lead to greater efficiency in the working of the Act, and greatly reduce the expenses of the various local authorities. It is the opinion of the Scottish farmers, as well as of the farmers of Norfolk, that the great source of disease is Ireland. I cannot, however, agree with hon. Members who think that the disease is originated during the very brief period of the transit from Ireland to Scotland. Reports which were made to the Scottish Chamber of Agriculture by various authorities, and in particular by the chief Veterinary Inspector in Ireland, show clearly and distinctly that the simplest way of getting rid of the disease which comes from Ireland would be to have an inspection of cattle prior to their embarkation at the Irish ports; and the authorities to whom I allude say that this would also be a very great benefit to Ireland itself, because dealers in that country, when they found that animals must be inspected prior to embarkation, would be more careful to keep them, if possible, in good condition on their way to the ports. For these reasons, I feel great pleasure in supporting the Motion for a Committee made by my hon. Friend on the other side, and I am very happy to hear that my right hon. Friend the Vice President of the Council has consented, on the part of the Government, to grant a Committee.

MR. J. HOWARD said, there were one or two points to which he would call the attention of the House, that had not been taken up by the previous speakers. He could not agree with his hon. Friend opposite (Mr. C. S. Read), as to the Act being the total failure he had represented it to have been, for as his hon. Friend (Mr. J. W. Barclay) had pointed out, the farmers of Aberdeenshire had, under its operation, exterminated pleuro-pneumonia from that county. There could be no question that the Contagious Diseases (Animals) Act was a well conceived and vigorous remedy for dealing with imported as well as established diseases in our live stock, and as far as rinderpest was concerned, it had been completely successful. There was no fear even if this dire disease gained a footing once more in this country that it would spread to any alarming extent. But in the matter of that troublesome and ever recurring disease, the foot and mouth complaint, he must express the opinion that the Act had been a total failure. A prevalent opinion existed that the Veterinary Department of the Privy Council had been somewhat inert in the matter, and had not put forth that energy and knowledge which it possessed, or, at all events, which it ought to possess. So far as he could ascertain, no adequate measures, if any, had been adopted to trace the origin of the disease. The theory of the veterinary authorities was, that the imported animals, which fell soon after landing, must have had the germs of the disease in their system before they were embarked on board ship. A host of facts could be adduced to prove this to be an erroneous idea, and persons qualified to express an opinion protested against these veterinary professors being considered the only wise men on the subject. As the Veterinary Department had been inert upon the question, the Royal Agricultural Society of England very commendably, and at great expense during last summer and autumn, set on foot an investigation as to the causes of the outbreaks of foot and mouth disease. The information obtained proved conclusively that our system of inspection was totally inadequate for its purposes. This fact was also revealed—that the provisions of the Act were systematically ignored in Ireland, and that Irish cattle were neither inspected on one side nor on the other side of the Channel, and this from a country which sent us more disease than all the world beside. The gentleman who conducted the investigation, an eminently qualified man, came to a conclusion exactly opposite to the view expressed by his hon. Friend below him (Mr. Barclay). He was of opinion, after having made 11 voyages in cattle boats, between England, the Continent, and Ireland, that foot and mouth disease was generated on board ship, or, at any rate, was taken by the animals whilst on board, probably from the ships being infected. [The hon. Gentleman here read extracts from a document in support of these views.] He (Mr. Howard) would also remind the House that their own Committee which had sat upon the subject had arrived at the same conclusion. And he wished to hear from the Vice President of the Council what steps, if any, had been taken by the Veterinary Department to prove whether there was any foundation or not in this theory. His hon. Friend (Mr. C. S. Read) had alluded to the losses in Herefordshire, which last year amounted to £100,000. In the much smaller county of Bedford 38,000 animals were attacked last year, 800 of which died; the loss to that small county could not be reckoned at less than £60,000. Thousands of acres of grass land with abundance of keep were only half stocked last year, in consequence of the fears entertained of introducing the disease upon the farm. With respect to quarantine, he desired to point out to the House the great advantage which would accrue to importers, and which had not hitherto been recognised. When the Bill was before the House in Committee, he remembered pointing out the fact that Irish store beasts fetched from £1 to £2 per head less than their value through their liability to disease; especially establish quarantine grounds to which farmers could resort with some confidence in being able to buy healthy stock, and the price of store cattle would at once be considerably enhanced; and, with respect to fat cattle, a few days rest and quiet would restore their blood and system to a healthy and normal state, and their flesh would be far more wholesome than when killed in an excited feverish condition. He was glad the Government had consented to the appointment of a Committee, believing it would result in much good, and give great satisfaction to the public.

Mr. W. E. FORSTER said, he had not been opposed to the appointment of a Committee last year, but had then stated that it was proposed too late in the Session, and that he would be glad to assent to it this year. He not only now assented to it, but would welcome the inquiry. He thought the time had come when the working of an Act that had given such strong powers to the Government should be fairly considered, and that they ought to make up their minds whether their legislation had been in the right direction or not. In conducting the Act through the House he had felt that the powers vested in the Government were most unpleasant powers, and it would be a rope round his neck that would be strongly pulled before he had done with it. It was impossible for anyone in his situation to act without meeting with a great deal of complaint on both sides arising from Government interference. It could not be otherwise in a matter like that affecting both the supply of food of a large population and the very great commercial interests, both of the home producer and the foreign importer. Another ground on which he welcomed that inquiry was that he wanted his hon. Friend (Mr. C. S. Read) to have an opportunity of bringing before the Committee the charges which he thought he had a right to make against the Veterinary Department of the Privy Council. He had such confidence in his hon. Friend's candour as to believe that, after making those charges and having them thoroughly sifted, he would find there were not a few of them which he would be glad to withdraw. As to the Act and the administration of it, his hon. Friend had alluded to him personally most kindly, yet evidently supposed that he had not time, with the many other things he had to do, to give full attention to that matter. There was no part of his hon. Friend's speech with which he more agreed than that in which he suggested that the duties should be handed over to the Local Government Board, to the Board of Trade, or to any other authority. A Minister who was pretty well worked during the Session did not like to lose his holidays; but owing to business connected with the Veterinary Department, he had not had a fortnight's holiday this year, and if there had been any fault committed it had not arisen through want of attention on his part. He did not, however, think very much would be gained by transferring those functions from one Minister to another. Whoever was intrusted with them would find them very difficult and responsible, and, whatever else he had to do, he would have to discharge them carefully. His hon. Friend had made a mistake in reference to the importation of animals infected with rinderpest into this country. There were eight vessels that came to England with cattle plague on board, but in only one case—namely, at Hull, did any ill result happen; and their precautions were sufficiently stringent to prevent any harm arising except in that single instance. As regards rinderpest, he must, indeed, claim a little credit for the Department. Although during the last few years the Department had had to confront the greatest possible danger of cattle plague, which had been raging in Germany, France, and Belgium, yet until last autumn they had managed to keep it away from this country. His hon. Friend said that just as a ship came to Deptford an animal was accidentally found to be ill, and if it had been thrown overboard the whole cargo might have come into the interior. But he forgot that such were their regulations that not a single animal from Russia would have been allowed to go into the interior. No animals came from Russia to Deptford—whether the vessel had cattle plague or not on board—without the condition of immediate slaughter being enforced. His hon. Friend thought the disease would not have taken so much hold in East Yorkshire if the Department had shown more vigour and determination; but the very moment the telegram reached London informing the Veterinary Department of the existence of cattle plague there, their best available Inspector was sent down. He himself was up in London in a very few hours, and never had a much more difficult task before him. One animal was said to be ill; at any rate, the plague appeared to be confined to one farm; and with only that information it was not easy to put the most stringent powers of the Act into force. Yet he did not hesitate to issue an order stopping all markets and the movement of cattle in the East Riding, and how the Department could have acted with greater vigour and determination he could not see.

MR. C. S. READ explained that he had not charged the Veterinary Department of the Privy Council with being remiss, but had simply said that either in the local authorities or in the Veterinary Department there was a certain amount of inactivity.

MR. W. E. FORSTER said, he must express his thanks to a late Member of that House, Admiral Duncombe, the chairman of the local authority in the East Riding of Yorkshire, and also to the magistrates, for the earnest and determined manner in which they put the Act in force. He could not anticipate the results of the proposed inquiry, and he should be most willing to be guided by them; but he was rather sanguine that it would show that the Department had carried out faithfully and to the utmost of its power the Act that had been passed. It was quite true that they had not done some things that had been charged against them, because they were only empowered to carry out the law, and not to constitute themselves a curative department. They had not set themselves up as doctors with a cure for every disease, and it would be a serious matter for any Committee to recommend that any Government should undertake to act as physicians for all the animals in the kingdom. The time had gone by when a Government could interfere and insist upon a dead meat traffic. They could only leave that to the action of supply and demand. His hon. Friend (Mr. Howard) thought that they should try a few experiments, but the Veterinary Department had no power to detain animals in Ireland or to compel an inspection there; and he much doubted whether they would have been justified in trying experiments in England. He thought it would be found that there would be very great difficulty in changing from the present system of dealing with the foreign importation. No doubt it gave a great discretion to the Government as to the cases in which it should compel the immediate slaughtering of the animals. But he was strongly of opinion that it would be found very difficult to change from that practice without great inconvenience to the home consumer. There was one matter of experience to which he wished to call the particular attention of the House. It was this—if they were to say that every animal imported into England from foreign countries should be slaughtered at the port of landing, according to experience up to the present moment, in all probability we should have a great many more diseased animals in the country; for when the animals came from foreign countries which were not scheduled, as, for instance, from Holland, much more care was taken as to what kind of animals were included in the cargo, than in the case of those sent from a scheduled country to Deptford to be slaughtered there. Then, it should also be remembered that the import of foreign cattle, though bearing a comparatively small proportion to the home production, was, in fact, much larger than was generally supposed. One hon. Member had stated that the proportion was 4½ to 5 per cent, and he was very much gratified to find from the most practical remarks of his hon. Friend the Member for Forfarshire that he, by a calculation made upon an entirely different basis from that which had been gone into by the officer of the Department, had arrived at almost precisely the same conclusion—that the real proportion was 12 per cent. That was a calculation which he believed would be nearer the truth. He wished, in the next place, to make one or two remarks with regard to the home diseases. When the Act was passed the first real practical legislation with respect to the prevention of home diseases had been entered upon, and he was quite of opinion that the time was come when we should carefully consider whether it was more desirable to go backward or forward in that course. His own impression on the point was very much that which had been conveyed to the House by the hon. Member for Forfarshire — that the restrictions in the Act were of use in stopping home diseases, especially that very dangerous disease pleuro-pneumonia, if put in force by the local authorities throughout the country. If not put in force, however, they were of little avail, and it would be for the Committee to consider whether much good could be expected from them when put in force in one part of a county, or one county, and not put in force in another. That was a point on which he should be exceedingly glad to hear the opinion of the Committee, whether we should proceed in our present permissive legislation or have recourse to more general and compulsory powers. With respect to the spread of the foot and mouth disease, a good deal of complaint had been made against the Department on account of the spread of that disease; but he thought they could defend themselves by laying the blame partly on the Act as not being strong enough, and partly upon the local authorities for not carrying it into effect. The year after the Act was passed — 1870 — he was called back from the Continent in the autumn in consequence of an outbreak of foot and mouth disease in this country, and when he returned he found that five or six counties required more stringent rules. The Department, thinking they would be supported by public opinion, issued those stringent rules for the whole of Great Britain; but the result was that county after county protested against them, saying that the remedy was a great deal worse than the disease. The Department found, therefore, that they were greatly in advance of public opinion, and the local authorities, upon whom it relied to put the Orders in force, were so slack in the matter that the Orders had to be cancelled, and it was left optional to the authorities whether they should carry them into effect or not. Some local authorities enforced them successfully; some did nothing at all; and some, he had no doubt, failed because their neighbours had not done anything. It would, under those circumstances, be for the Committee seriously to consider which course they would deem it expedient to adopt, whether they would leave things as they stood, optional with the local authorities, and against that he thought there was a great deal to be said; whether they would strengthen the restrictions throughout the kingdom, in favour of which there was a great deal to be said; or whether, taking one year with another, they would arrive at the conclusion that the foot and mouth disease was not bad enough to call for such restrictions, for which view there was much to be said also. Indeed, he recollected that when the Act was passed his hon. Friend the Member for South Norfolk (Mr. C. S. Read) had expressed considerable doubt whether the foot and mouth disease should be included in its provisions. He was glad, he might add, that his hon. Friend had included in his Motion the operation of the Act in Ireland as well as in England. Statements would, no doubt, be laid before the Committee as to the extent of foot and mouth disease supposed to have been imported from Ireland, and in dealing with that question the Committee would, he hoped, have the assistance of Irish Members. Nor must it be forgotten that, though we might get some disease from Ireland, we also got an immense amount of food, and care must be taken that no restrictions should be enforced with regard to Ireland that were not really necessary. He wished, at the same time, to add that nothing could, in his opinion, do more good to Ireland as a producing country than that more care should be taken at home with respect to the prevention of disease in the case of animals intended for the English market.

MR. M'CARTHY DOWNING said, that as an Irish Member, he had not the slightest objection that the inquiry should be extended to Ireland. It would be shown, he thought, that much exaggeration prevailed with respect to the existence of disease in the case of cattle exported from that country. He also concurred with the right hon. Gentleman in the opinion that a great deal too much had been made of the foot and mouth disease, for in the county which he had the honour to represent there was not a single instance of an animal having died of that disease. There was not a single case of rinderpest, he might add, in Ireland, and England would be very badly off indeed were it not for Irish cattle. He hoped the noble Lord the Chief Secretary would take care the Irish Members were fairly represented on the proposed Committee.

MR. PELL attributed the spread of these disorders among cattle to the variation in the orders as issued by the boroughs and by the counties. The largest markets in England were held in the boroughs, and the orders there issued were very frequently at variance with those which emanated from the authorities in the counties; while even among the latter there was a great want of uniformity, at any rate in the county he represented. In one petty sessional division of Leicestershire they had, according to the last Return, spent £1 only in preventing disease amongst cattle, whilst in another division of the same county the amount was over £100, though the disease prevailed over the whole county, indicating want of vigilance on the part of one section of the authorities which might jeopardise the operation of the Act. Many persons had come to the conclusion that more stringent regulations were required with regard to the foot and mouth disease, because the character of that disorder had greatly changed, being now much more severe than formerly. Cattle frequently took it a second time within 12 months, and the second attack was more serious than the first. He should be sorry, he might add, that the Committee should do anything to interfere with the free importation of cattle from Ireland; but he felt bound to say that a great amount of foot and mouth disease was found to exist among them from one cause or another.

Motion *agreed to.*

Select Committee *appointed,* "to inquire into the operations of the Contagious Diseases (Animals) Act, 1869, and the Cattle Disease Acts (Ireland), and the constitution of the Veterinary Departments of Great Britain and Ireland."—(*Mr. Clare Read.*)

And, on February 28, Committee *nominated* as follows:—Mr. WILLIAM EDWARD FORSTER, Lord ROBERT MONTAGU, Mr. MONSELL, Mr. RIDLEY, Mr. DODSON, Sir HENRY SELWIN-IBBETSON, Mr. JACOB BRIGHT, Mr. PELL, Mr. JAMES BARCLAY, Mr. KAVANAGH, Mr. DENT, Mr. CAWLEY, Mr. CALLAN, Mr. TIPPING, Mr. LUSK, Mr. WILLIAM JOHNSTON, Mr. O'CONOR, Mr. NORWOOD, and Mr. CLARE READ:—Power to send for persons, papers, and records; Five to be the quorum.

And, on March 4, Mr. NORWOOD *discharged,* Mr. CLAY *added.*

MONASTIC AND CONVENTUAL INSTITUTIONS BILL.

LEAVE. FIRST READING.

MR. NEWDEGATE, in moving for leave to bring in a Bill for appointing Commissioners to inquire respecting Monastic and Conventual Institutions in Great Britain, and for purposes connected therewith, said: I propose, with the leave of the House, to introduce the same Bill that the House permitted me to lay before it last Session: such was, however, the pressure of business last Session that I was unable to bring on the second reading. This Bill has, therefore, never been submitted to the House for a second reading. I am sorry to see that Notice has been given of a Motion to oppose the introduction of the Bill. Last year the House expressed its opinion, though not by a division, that the adoption of so unusual a course as resisting the introduction of a Bill has now become, ought not to be adopted with respect to this Bill, which contains nothing that can justly be considered offensive. Last Session I was accused by some of the Roman Catholic Members of having made too large a statement on introducing this Bill. I made that statement, and went fully into the circumstances which had induced me to ask the leave of the House to introduce this Bill, owing to the peculiar character of the opposition I had then to meet. But, upon the present occasion, I see no reason at all for making any lengthened statement. My having spoken fully was held by my opponents to be one of my chief offences last Session; and I acknowledge that my having done so was a departure from the usual practice, but it was only adopted, and it was justified, by the peculiar circumstances of the opposition I had to encounter. It is enough for me now to state that there is a strong impression prevailing in this country that the original intention of the House, when, in 1870, the House ordered an inquiry into these rapidly increasing Monastic and Conventual Institutions by a Select Committee, has never been carried out, because the Instruction to the Committee was such as to limit their inquiries far within the necessities of the case; and the opinion of the necessity for inquiry gained strength, especially with reference to the possession of property by these institutions, and the practical exemption of that property from the Law of Mortmain. There is also a strong impression prevalent in this country, signally manifested at three large public meetings which I have attended—one of a thousand people at Aberdeen, another of a thousand people at Dundee, and another at Blackheath—that a Committee of the House of Commons, being bound to conduct its inquiries entirely within the House, and not having the power to examine locally or upon oath, is not competent to carry out the investigations which are necessary for the elucidation of this subject; and that a Commission with power to examine locally and upon oath is necessary to obtain the information Parliament ought to possess with respect to this subject. All other institutions in this country—the Church of England through the Ecclesiastical Commission, schools, hospitals, lunatic asylums, poorhouses, institutions of every description—have at some time or other been inquired into by Commission for the information of Parliament. These Conventual and Monastic Institutions form the solitary exception; they stand alone as exempt, as a class of institutions respecting which Parliament has been precluded from obtaining adequate information by means of a Commission or otherwise. Throughout the other countries of the world, except the United States of America and this country, these institutions have been inquired into, and, where not suppressed, are more or less regulated by the Legislature and the law of the country; their exemption from inquiry in this country has at last generated a feeling that this exemption is a peculiar privilege conceded to the Roman Catholic Church. The existence of this, a privileged exemption, has greatly strengthened the opinion that Parliament ought to inform itself as to the circumstances connected with these institutions, by issuing powers of inquiry by statute to a Commission. I will not now say another word, but simply move the Notice which stands in my name.

Motion made, and Question proposed,

"That leave be given to bring in a Bill for appointing Commissioners to inquire respecting Monastic and Conventual Institutions in Great Britain, and for purposes connected therewith."—(*Mr. Newdegate.*)

Mr. MATTHEWS said, he had been censured by the hon. Gentleman for intimating his intention to oppose the introduction of this Bill. He reminded him, however, that the same course was taken in 1853 with regard to a similar Bill proposed by the Common Serjeant (Sir T. Chambers), and that amongst those who voted against its introduction were the right hon. Gentleman at the head of the Government, Lord John Russell, Lord Palmerston, and Sir James Graham. There was no other course possible for those who, like himself, maintained that no *primâ facie* case had been offered for that sort of legislation which the hon. Member pressed upon the House. The whole question had been inquired into in 1870, as far as the House thought it ought to be investigated, and it was unfair of the hon. Member to press matters further. Every inquiry that even legitimate curiosity could desire was satisfied by the Committee of 1870—even the mind of the hon. Member for North Warwickshire must have been satisfied. Well, the hon. Member for North Warwickshire shook his head; but he maintained that an unconstitutional inquiry of this kind ought to be backed by facts, and not by mere surmise, before it was proposed to the House of Commons. What the hon. Member now wanted was a permanent Commission with paid officers, and having unlimited powers to inquire into everything connected with those monastic institutions. It was, in fact, not a Commission sitting to inquire into a specific allegation, but a roving Commission, with powers to punish for contempt, in order to enforce answers. There was no analogy between these institutions and institutions like hospitals and lunatic asylums. So far as convents were concerned, they were purely private homes. The homes where those ladies lived were as much private as the homes of hon. Members, or the Clubs to which they belonged in Pall Mall, and there was no case made out for applying to them State inspection, or State interference, seeing that the State did not give them protection, authority, privilege, or endowment. This was an attempt to apply inquisitorial powers to the private life of private ladies, who made no complaint themselves. If there were any case for inquiry, the House might be sure that those who had relatives and friends in such institutions would be the first to demand it. If the object of the hon. Member for North Warwickshire were obtained, it would simply result in the discovery of a state of things in conflict with the statute law; but that statute law was of such a nature that Parliament would never enforce it. As to the question of property, the idea that there was any grievance or evil requiring redress, so far as property was concerned, was simply childish. On these grounds he asked the House to refuse leave for the introduction of the Bill.

Mr. M'CARTHY DOWNING said, he supported the Amendment, and had pleasure in stating that his daughters had been educated in a convent. He pointed out that if any further precedent were required for the Amendment, it was furnished by the action taken last Session, when the hon. Member for Sunderland (Mr. Candlish) was refused leave by a large majority for the introduction of a Bill repealing the 25th clause of the Education Act. He protested against the annual occurrence of these outrages on the feelings of Irish Gentlemen.

Sir THOMAS CHAMBERS supported the Motion for leave to introduce the Bill. The hon. and learned Gentleman who had moved a negative to the Motion admitted that monasteries existed in defiance of the letter of the law, and that convents existed in defiance of its spirit and intention. But was illegality to be an argument for impunity? The House gave him (Sir Thomas Chambers) leave some years ago to introduce a Bill for the inspection of convents, though that Bill was not carried. All that was asked for by the Bill of the hon. Member for North Warwickshire was, not legislation, but simple inquiry, and no good reason had been given for refusing to allow the Bill to be introduced.

The O'CONOR DON said, the Roman Catholics made the same objections to this inquiry as they would into an inquiry into their family affairs; but it had been shown that this Bill was really one for inspection rather than inquiry. He had four sisters in a convent. He could visit them at any time, and would be happy to introduce them to the hon. Member for North Warwickshire, if he desired it, in order that he might gather their opinion with regard to his Bill. He (the O'Conor Don) complained of the charges made against convents, which, he said, had never been substantiated, and objected to the introduction of the Bill because no case had been made out for inquiry.

Mr. BRUCE admitted that the hon. and learned Gentleman who opposed the Motion had taken a constitutional course, which he had a perfect right to do, in opposing the Bill on its first introduction, and wished it had been oftener adopted with regard to Bills which were afterwards rejected by large majorities, and which wasted much time. He hoped the House would reconsider in some future Session the plan it had pursued of late years with respect to the introduction of Bills, which, being brought in Session after Session, occupied time to the exclusion of useful legislation. But, as the Government had assented in a great number of instances to the introduction of measures which they intended to oppose on the second reading, he could not draw a distinction with regard to this Bill, and should therefore not object to the Motion. The hon. Member for North Warwickshire must, however, adduce stronger and better arguments than had hitherto been given to induce him to vote for the second reading of the Bill.

Mr. LEA observed that the opposition to the Bill last Session was founded on what had previously occurred.

Mr. NEWDEGATE: In reply to the hon. Member for Dungarvan (Mr. Matthews), I wish merely to read the last paragraph of the Report of the Select Committee of 1871, on which he served, and I did not; for I declined to serve upon that Committee, as did the hon. and learned Member for Marylebone (Sir Thomas Chambers), because it was a continuation of the Committee of 1870, which had refused to hear evidence that we thought essential on questions relating to property. The paragraph I refer to is as follows:—

> "The observations contained in this Report will probably suggest some alterations in important branches of the law, and those alterations would be of a very different kind according to the point of view from which the subject is surveyed. A complete discussion of the position, if any, which Conventual and Monastic Institutions ought to have in our law, and of the means by which their existence and action might be adjusted so as to bring them into harmony with recognized doctrines of law as to mortmain and perpetuities, would lead to much difference of opinion, and might exceed the limits of our inquiry, and we have therefore abstained from recommending any such alterations."

Therefore, the hon. Member has concurred in a Report the conclusion of which suggests that alterations in the law with respect to mortmain and perpetuities affecting those institutions are, at all events, needed, and that the inquiry, which the Committee was authorized to institute, could not reach this point. That, then, is my answer. The hon. Member has also adverted to what he described as the inquisitorial nature of this Bill. I merely seek to place the Bill before the House, who can then modify its provisions and remove the imputation, which I think unfounded, should the House be convinced that it is just. I confess that I am disappointed at the observations of the right hon. Gentleman the Secretary of State for the Home Department; for last Session he spoke, in the sense of the Report of the Committee of 1871, that there are matters connected with the tenure of property, and in other respects connected with these institutions, that he thought ought to be dealt with by Parliament, and that therefore he felt it to be his duty to support, whether or not in accordance with the provisions of this Bill, an inquiry into them. I trust that, under these circumstances, this House will not adopt the unusual course of refusing permission to bring in the Bill.

Question put.

The House *divided*:—Ayes 74; Noes 31: Majority 43.

Bill *ordered* to be brought in by Mr. Newdegate, Mr. Holt, and Sir Thomas Chambers.

Bill *presented*, and read the first time. [Bill 62.]

DRAINAGE AND IMPROVEMENT OF LANDS (IRELAND) PROVISIONAL ORDERS BILL.

On Motion of Mr. William Henry Gladstone, Bill to confirm Provisional Orders under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same, relating to Mulkear River and Kildare Drainage Districts, *ordered* to be brought in by Mr. William Henry Gladstone and Mr. Baxter.

Bill *presented*, and read the first time. [Bill 63.]

House adjourned at One o'clock
till Monday next.

HOUSE OF LORDS,

Monday, 17th February, 1873.

MINUTES.] — Select Committee — Private Bills, *appointed* and *nominated*; Opposed Private Bills, *appointed* and *nominated.*

Public Bill—*Third Reading*—Turks and Caicos Islands* (2), and *passed.*

EMIGRATION TO BRAZIL—WARWICKSHIRE LABOURERS.

ADDRESS FOR A PAPER.

The Earl of CARNARVON rose to move for Copy of a letter addressed by the Vicar of Napton to the Secretary of State for Foreign Affairs, describing the condition of certain Warwickshire labourers who were emigrated to Cananea in Brazil, and to inquire whether such description was substantially correct. Their Lordships would probably remember to have seen in the newspapers six or seven weeks ago a statement of a certain number of labourers who went from the Midland Counties to several places in Brazil. According to the story told by those hapless people—for he must so call them—very deceptive statements had induced them to emigrate to Brazil. It was stated that they would receive grants of land free, or at a very small price; that houses would be provided for them; that they would be forwarded up the country free of expense; and that good food was abundant and cheap, and of all kinds and descriptions. They went to Brazil; time passed, and at length letters had been received from them which gave a different view of things in Brazil from what had tempted them to emigrate. They complained that, so far from finding houses provided for them, they had to sleep on the damp earth, and that so far from finding food either abundant or cheap, many of them had been reduced almost to starvation. He desired, therefore, to ask his noble Friend the Foreign Secretary whether he had any objection to the production of a letter to which he referred in his Notice; and also whether, as the result of inquiries which, doubtless, he had made, he had found the statements in that letter to be correct? He himself had very little doubt on the subject. He feared that the case of those labourers was not an exceptional one, because for a long time past there had been a system of inducing labourers to emigrate, and English labourers were very ignorant and very easily deceived. No doubt his noble Friend had endeavoured to do his duty, because he (the Earl of Carnarvon) perceived that within the last few days there had been a warning from the Emigration Commissioners. As showing their Lordships the sort of inducement held out to agricultural labourers to go to Brazil, he would quote an advertisement which appeared in *The Labourers' Union Chronicle.* It was in these terms—

> "The Brazilian Consul General in Liverpool advances money to every agriculturist who, with his family, will emigrate to the colonies of Brazil, where, besides other favours, he may have an allowance of 2*s.* per day while waiting for his first plantation to grow. Any amount advanced will be repayable in instalments in seven years' time."

Now, he would ask their Lordships to for one moment compare with the advantages described in that advertisement the actual truth as they now knew it from official documents laid before Parliament. As the subject is one of such importance he would venture to detain their Lordships for a few minutes by reading one or two other extracts. Mr. Macdonell, Chargé d'Affaires at Buenos Ayres, writing on the River Plate Republics as a field for emigration, said—

> "The English emigrant will find here no encouragement; no similarity of language, habits, or religion; no liberal land laws, no economical and ready collocation on tracts of land traced and marked out, no ready access to wood and water, no exemption from taxation, no ready proximity to markets for the sale of produce, and but scant and a merely nominal protection for life and property."

Further on Mr. Macdonell observed—

> "The criminal statistics of England give one case of murder annually for every 178,000 inhabitants; in the Argentine Republic, according to official returns, one out of every 900 is yearly assassinated. In England the escape of a criminal forms the exception; here, the imprisonment."

These were statements by Mr. Macdonell. Now hear what Consul Dundas said in his Report on Santos, in Brazil—

> "I cannot say I would recommend any immigrant to come here, because I regret to have to confess that I have no confidence whatever in the treatment the immigrant will meet with. As a rule, there seems to be an absurd jealousy with regard to foreigners, though there is no objection to make use of foreign labour and foreign capital."

Lastly, he would read an extract from the Report made by Mr. Phipps on emigration to Brazil—

> "By the present law, if a foreign labourer is dismissed on account of illness he shall pay at once to the hirer any sums that may be owing. If he is dismissed for unskilfulness, in default of payment he shall be sentenced to hard labour on public works till he has repaid, together with costs. If there are no public works he shall be committed to prison for not more than two years. If he absents himself from work without just cause he shall be imprisoned till he has paid the double of what is due."

The English labourer, when he complained so much of his treatment in England, should know that if he emigrated to some countries he might find himself in an infinitely worse position when subjected to such laws and such regulations as were described in these extracts. It was perfectly true that wages were much higher in those places than in England; but when the high price of living and the other disadvantages to wich the immigrant was subjected were taken into account, it would be found that the balance could scarcely be said to be in favour of such countries as those referred to in the extracts he had read to their Lordships. He must state that, from his own knowledge, he believed emigration to be a most excellent thing; but it could be made beneficial only under certain conditions, and how anyone could be tempted to prefer as a field of emigration those countries to which he had been referring rather than emigrate to British colonies it was not very easy to imagine. It appeared to him that those who drew up deceptive statements on this subject and also those who gave them publicity incurred great responsibility; and knowing himself the facts of a very similar case to that of the Warwickshire labourers, he thought it his duty to read these extracts in order to secure for them as wide a notice as possible and thus prevent other poor persons from becoming the victims of deception. He also begged to ask his noble Friend the Secretary for Foreign Affairs the Question of which he had given Notice.

Moved that an humble Address be presented to Her Majesty for, Copy of letter addressed by the Vicar of Napton to the Secretary of State for Foreign Affairs, describing the condition of certain Warwickshire labourers who were emigrated to Cananea in Brazil.—(*The Earl of Carnarvon.*)

Earl GRANVILLE said, he was very glad his noble Friend had gone beyond the Notice he put on the Paper, because he could not conceive anything more desirable or more useful than the sort of warning he had taken occasion to give. It had lately been the painful duty of the Foreign Office to furnish such information to the Emigration Commissioners as would enable them to warn intending emigrants of the fate likely to await them if they went to certain foreign countries. Great complaint had been made of their having done so; but, however averse he might be to adopt any course which might seem unfriendly to nations with which they were disposed to keep up the most cordial relations, he had felt it his paramount duty to give every warning in his power to persons who were unable on these subjects to form a competent opinion for themselves. It was impossible not to place greater reliance on the Reports of Consuls, who had no interest in the matter, than on the accounts of foreigners, or even of our countrymen who might not be disinterested. As to the letter to which his noble Friend had called attention, it was received at the Foreign Office on the 26th of December last. A copy was immediately forwarded to the Emigration Commissioners, and another copy to our Minister at Rio, with a request that he would at once make inquiries and obtain full information on the subject, and if the facts were verified, communicate with the Brazilian Government, who, no doubt, would be glad to remedy such a state of things. He (Earl Granville) could not give any opinion as to the facts contained in the letter until he received a reply from our Minister in Brazil, and therefore his noble Friend would see that it would not be right to produce the document, as it contained attacks on individuals. Until he received the reply he could not lay the letter before their Lordships.

Motion (by leave of the House) *withdrawn.*

LANDED ESTATES COURT.
REGISTRATION OF IMPROVEMENTS.
QUESTION.

The Earl of LEITRIM asked Her Majesty's Government, When the Court of Land Cases Reserved at Dublin will make rules for the registration of improvements under the Landlord and Tenant (Ireland) Act, 1870, in the Landed Estates Court; and when the Government intend to appoint a second Judge to the Landed Estates Court? The noble Earl stated that, although two years and a-half had elapsed, no rules had yet been made, and great confusion would arise unless they were speedily framed. Under existing circumstances, when there was so much property coming under the operation of the Act, he thought it highly desirable that another Judge should be appointed.

The Marquess of LANSDOWNE said, that the Court for Land Cases Reserved had already made the rules referred to by the noble Earl. It was not the intention of Her Majesty's Government to fill up the vacant judgeship; but it would be necessary to introduce a Bill for the abolition of one judgeship, and also to provide for the duties of the remaining Judge during temporary absence. When this Bill came before their Lordships the noble Earl would have a convenient opportunity of offering such criticisms as he might think fit on the abolition of the one judgeship, and the Government of replying to those criticisms.

THE EARL OF LONGFORD asked when the Bill would be introduced?

THE MARQUESS OF LANSDOWNE could not answer the question of the noble Earl, nor could he say the Bill would be introduced in their Lordships' House in the first instance.

CENTRAL ASIA—THE BOUNDARY LINE.—QUESTION.

THE DUKE OF SOMERSET: My Lords, I have a Question to put to my noble Friend the Secretary of State for India as to an alleged error in drawing the boundary line of Afghanistan, or, at least, of the territories under the dominion of the Ameer of Cabul. I do not pretend myself to know anything of the geography of Central Asia, nor do I believe there is any very accurate information on the subject to be obtained in this country. But as we have lately seen the great inconvenience of making treaties without proper geographical knowledge, I am anxious to know, Whether with regard to the Central Asian question there has been any error in drawing the boundary of Afghanistan or the territories under the dominion of the Ameer of Cabul? I also have to ask whether the Government can give the House any sketch or outline map which may enable us to judge of the boundary line which has been agreed upon according to the Papers on the Table?

THE DUKE OF ARGYLL: I am obliged to my noble Friend for putting his Question, because undoubtedly there has been an impression—I will not say in the public mind, but in the mind of some writers in the Press—that the Secretary of State for Foreign Affairs, in indicating the boundaries of the two provinces of Badakshan and Wakhan, has made a geographical error. Now, I am bound to say that if the Foreign Office had made any error in the matter they would have been led into it by the India Office; because, of course, the Foreign Office applied to us for information. But I am happy to assure my noble Friend that, as far as I can understand, no error has been committed. A very careful memorandum on the frontier of those provinces was drawn at the India Office from maps and most authentic information furnished by Sir Henry Rawlinson, who, besides being a most distinguished member of our Council, is also President of the Royal Geographical Society. That memorandum was sent out to India, and there it was discussed and considered by Lord Mayo. It was sent home in a Despatch, drawn up, I am sorry to say, too late to receive his signature; but it was signed by Lord Napier after the noble Earl's death. That Despatch entirely approves the line drawn by Sir Henry Rawlinson, which follows the Oxus up to a point where it branches into two comparatively small streams—one coming down to the Hindoo Koosh, and the other to a small lake. The original intention was to adopt the southern branch, running down to the Hindoo Koosh; but there are a very considerable number of villages on both sides of the stream; and by Sir Henry Rawlinson's advice the right hand branch in the direction of the lake, beyond which there are no villages and no inhabited country, was taken. That boundary was fully assented to by the Government of India; and I have every reason to believe it is perfectly correct. With regard to the sketch map, I may point out that there has just been published a new edition of the well-known book of Captain Wood—*A Journey to the Sources of the River Oxus.* He was the only European who ever saw the country, and a new edition of that work, edited by Colonel Yule, contains a map in which the boundaries of Badakshan and Wakhan are defined almost exactly as they have been by the Foreign Office.

PRIVATE BILLS.

Standing Order Committee on, appointed: The Lords following, with the Chairman of Committees, were named of the Committee:

Ld. President.
Ld. Privy Seal.
D. Somerset.
M. Winchester.
M. Lansdowne.
M. Bath.
M. Ailesbury.
E. Devon.
E. Airlie.
E. Hardwicke.
E. Carnarvon.
E. Belmore.
E. Romney.
E. Chichester.
E. Powis.
E. Verulam.
E. Morley.
E. Stradbroke.
E. Amherst.
Ld. Chamberlain.
V. Hawarden.
V. Hardinge.
V. Eversley.
Ld. Steward.
L. Camoys.
L. Saye and Sele.
L. Colville of Culross.
L. Sondes.
L. Digby.
L. Sheffield.

L. Colchester.
L. Silchester.
L. De Tabley.
L. Skelmersdale.
L. Portman.
L. Belper.
L. Ebury.
L. Egerton.
L. Hylton.
L. Penrhyn.

OPPOSED PRIVATE BILLS.

The Lords following; viz.,

M. Lansdowne.
Ld. Steward.
L. Colville of Culross.
L. Skelmersdale.

were appointed, with the Chairman of Committees, a Committee to select and propose to the House the names of the five Lords to form a Select Committee for the consideration of each opposed Private Bill.

House adjourned at a quarter before Six o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 17*th February*, 1873.

MINUTES.] — Select Committee — Endowed Schools Act (1869), Sir John Pakington and Mr. Alderman Lawrence *added.*

Supply—*considered in Committee*—Supplementary Estimates.

Public Bills—*Ordered—First Reading*—Register for Parliamentary and Municipal Electors [66]; General Valuation (Ireland) [64]; Thames Embankment (Land) * [65]; Custody of Infants * [67]; Marriages (Ireland) * [68].

Second Reading—Juries [35]; Epping Forest [39].

Committee—Report—Polling Districts (Ireland) * [1]; Marriage with a Deceased Wife's Sister [15].

ROYAL ARSENAL (WOOLWICH)—CONSUMPTION OF COAL.—QUESTION.

Mr. HOLT (for Mr. Cawley) asked the Surveyor General of the Ordnance, Whether or not an investigation has been made, under the direction of the Secretary of State for War, by the Superintendent of Machinery in the Royal Arsenal as to the comparative consumption of coal per indicated horse power by different classes of steam engines in use in the War Department at Woolwich and other places, and by other engines also examined by the Superintendent; and, whether, considering the great importance of economizing the consumption of coal, there is any objection to the production of the Report of the Superintendent on this subject?

Sir HENRY STORKS: No special inquiry has been directed by my right hon. Friend the Secretary of State; but the Superintendent of Machinery in the ordinary course of his duty has made investigations of the nature referred to. Two Reports have been made, and the subject is under consideration, not only by the Superintendent of Machinery, but by the heads of the manufacturing departments, who are naturally anxious to economize fuel where it can be done with safety and efficiency. The general inquiry being not yet concluded, I do not think it would be desirable that the Reports should be produced.

LABOURERS' DWELLINGS (IRELAND). QUESTION.

Sir FREDERICK W. HEYGATE asked the Chief Secretary for Ireland, Whether he intends to bring in any Bill this Session to give additional facilities for the erection of Labourers' Houses in Ireland?

The Marquess of HARTINGTON, in reply, said, he hoped to bring in such a Bill; but he thought that before he did so, it would be well that the House should be in possession of some Returns on the subject which had been called for by the Local Government Board, and which he proposed to lay on the Table in a few days, when an abstract of them, which was being made, would be completed.

INLAND REVENUE—INCOME TAX APPEALS.—QUESTION.

Mr. CADOGAN asked Mr. Chancellor of the Exchequer, Whether notice has been issued by the Commissioners of Inland Revenue to persons assessed for Income Tax, to the effect that the Law admits of appeal to Special Commissioners at the Inland Revenue Office, instead of to the general Commissioners; and, if so, whether he is aware that in several cases the District Commissioners and their clerks under them have refused to issue these notices, or have substituted other notices in which no mention of the appeal to the Special Commissioners had been made?

The CHANCELLOR of the EXCHEQUER, in reply, said, that the facts were as stated by the hon. Member. He might mention that it was his intention to introduce into the Customs and Inland Revenue Bill for this year a clause making it obligatory on those persons to issue the notices sent to them by the Commissioners of Inland Revenue.

COAL FIELDS OF CHINA.—QUESTION.

MR. AKROYD asked the Under Secretary of State for Foreign Affairs, If his attention has been called to the statement from competent authorities that the coal fields of China cover an area of upwards of 400,000 square miles, as contrasted with the comparatively small area of 12,000 square miles in Great Britain; if his attention has been called to the Report of Baron Von Richthofen, printed at Shanghai in 1870 and 1871, respecting certain coal-bearing provinces, notably that of Shansi, containing some 30,000 square miles, with beds varying from twelve to thirty feet in thickness, whilst the system of coal-bearing strata in this province is about five hundred feet in thickness, containing besides an inexhaustible supply of iron ore [the whole Report being amply set forth in "The Quarterly Review" for April, 1872]; and, whether Her Majesty's Government, by concerted action and in co-operation with the Powers who were parties to the Treaty of Tien-Tsin, would endeavour to negotiate a supplementary Treaty to provide for the safe investment of British and European capital in mining enterprise and in connecting lines of Railway, under proper safeguards protected by the Contracting Powers?

VISCOUNT ENFIELD: Baron Richthofen's Reports on the provinces of Hunan, Hupeli, Henan, and Shansi were sent home by the Consul at Shanghai, in September, 1870. There is no reason to doubt the correctness of the Baron's estimates of the amount of coal existing in these provinces, and they are confirmed by the Reports of our own Consuls. The Consul at Hankow, in his Report for 1871, says that most of the steamers on the Yangtze take in coal at that port, the quality of which has lately much improved; it comes from Hunan, where a coal field more than 30,000 square miles in extent exists. The Consular Report from Kinhiang for 1871, speaking of the coal districts in the neighbourhood of that port, says—

> "The facilities for working mines remain in a rudimentary shape, although this province contains coal in enormous quantities; the coal pits of Yukang are said to be capable of producing a superior description of coal in practically inexhaustible quantities."

An officer of the Consulate at Newcheang visited the coal fields in the North of China in 1871, and found that coal, equal in quality to the best Cardiff, existed there in great quantities, though it is only worked on a small scale, and sold at prices varying from £1 11*s*. 6*d*. to £2 9*s*. 6*d*. a ton. With regard to the Question of obtaining from the Chinese Government permission to work mines and make railways, Sir Rutherford Alcock, during his negotiations for the revision of the Treaty in 1869, repeatedly urged these points upon them, but, unfortunately, without success. It is to be hoped that sooner or later the Chinese will realize the advantage which they would derive from the development by foreign capital of the mineral wealth of their country.

INFANT LIFE—ROPE SPINNERS.
QUESTION.

MR. CHARLEY asked the Secretary of State for the Home Department, Whether he has sent down Commissioners to Liverpool to inquire respecting the destruction of Infant Life resulting from the employment of pregnant women to spin off into rope yarn large bundles of hemp bound round their waists; and, if so, whether he will lay upon the Table of the House the Report of the Commissioners?

MR. BRUCE, in reply, said, he had received, about three weeks ago, a statement to the effect of the hon. and learned Member's Question, and directed an inquiry to be made, not by Commissioners, but by the Inspector of Factories. The Inspector had sent down a sub-Inspector, who saw the women at work and examined into the truth of the statement. His report was that there was no foundation whatever for the statement, and that the women, who earned good wages, were unusually healthy, and would compare very satisfactorily with the women employed in factories.

LOSS OF LIFE AT SEA.—QUESTION.

MR. PLIMSOLL asked the President of the Board of Trade, If, in the tale of loss of life at sea published by the Board, any account is taken of the losses of the men who are washed or fall overboard during a voyage in ones or twos, or of those who are accidentally killed during a voyage by rough weather or other causes, as in boarding a vessel or landing in boats, &c.?

Mr. CHICHESTER FORTESCUE, in reply, said, it was impossible to add anything to the Returns annually laid on the Table. If the hon. Member looked at the Return presented last year he would find that all the deaths of British merchant seamen, whether occurring from disease or accident, were enumerated and analyzed.

THE LICENSING ACT, 1872—LEGISLATION.—QUESTION.

Mr. STRAIGHT asked the Secretary of State for the Home Department, Whether he purposes introducing a Bill to amend the numerous defects that have been found to exist in the Licensing Act of last Session since its coming into operation, and particularly to remove the discretionary powers at present vested in the Chief Commissioner of Police in the metropolis, and the Magistrates in the country, as to the hours of opening and closing?

Mr. BRUCE, in reply, said, there had been much interested exaggeration as to the number of defects discovered in that Act. As a matter of fact, only one decision had been in any manner contrary to what was the intention of the Government, and he believed of the Legislature, in passing the Act. That might hereafter be set right; but at present he thought it would be very inexpedient, and contrary to the public interest, to introduce fresh legislation on that subject.

ARMY—CAVALRY AND ARTILLERY RESERVE.—QUESTION.

Captain TALBOT asked the Secretary of State for War, Whether it is his intention to bring forward, this Session, any proposition for the formation of a Reserve of Cavalry and Artillery?

Mr. CARDWELL: I intend to propose the Army Estimates next Monday, and will then state the views of Her Majesty's Government with respect to Artillery and Cavalry Reserves.

ARMY—CLAIMS OF INDIAN OFFICERS—THE BONUS FUND.—QUESTION.

Sir CHARLES WINGFIELD asked the Secretary of State for War, Whether any decision has been arrived at in respect of the claims of the Officers of the Royal (late Indian) Engineers to compensation for the abolition of their bonus fund, consequent on the issue of the Royal Warrant of 1871?

Mr. CARDWELL: I propose that the principle applied by the Act of Parliament to the 12 regiments formerly on the Indian establishment shall be applied to the Artillery and Engineer Corps, so far as they may be able to establish to the satisfaction of the Commissioners that any just claim exists in respect of any bonus fund existing on the day on which Purchase was abolished?

THE FIJI ISLANDS.—QUESTION.

Sir CHARLES WINGFIELD asked the Under Secretary of State for the Colonies, Whether he will lay upon the Table of the House Copies of any Despatches that have been addressed to the Governor of New South Wales (subsequent to Letter 88 of 3rd November 1871, published in Parliamentary Paper, No. 509, of 1872), respecting the acknowledgment of the Government set up by a section of the white settlers in the Fiji Islands, as well as of the Minutes or Correspondence which have passed between the Governor of New South Wales and his Executive Council on the same subject; and, of any Instructions that may have been sent to the Naval Officer commanding in the Pacific relative to the line of conduct to be adopted by commanders of Her Majesty's vessels towards the so-called Government of the Fijis?

Mr. KNATCHBULL-HUGESSEN, in reply, said, there would be no objection to the production of the Returns mentioned in the first part of the Question. As to the other part he would communicate with the First Lord of the Admiralty, and perhaps the hon. Gentleman would repeat his Question.

ARMY—MILITARY CENTRES—OXFORD. QUESTION.

Mr. GATHORNE HARDY asked the Secretary of State for War, Whether Oxford or its neighbourhood has been definitively fixed upon as a site for a Military centre; and, if so, what place has been selected; and is there any objection to produce the Report or Reports upon which such selection is founded?

MR. CARDWELL: Oxford is recommended as the site for a Brigade Depôt for reasons which will be found in the final Report of General M'Dougall's Committee, which I am about to lay upon the Table. Its definitive adoption is dependent upon a suitable piece of ground being available on satisfactory terms, and the Department is at present in communication with the local authorities with respect to a site at Ballingtoft Farm, about 2½ miles S.E. from Oxford. If this site is adopted there will be no objection to lay upon the Table the Report of the General Officer, Prince Edward of Saxe-Weimar, on the subject.

CHARTERS OF DUBLIN UNIVERSITY AND TRINITY COLLEGE.

QUESTION.

SIR FREDERICK W. HEYGATE asked the First Lord of the Treasury, If he would have any objection to lay upon the Table of the House, a Copy of the Charter and Statutes of Queen Elizabeth, and of the other Charters and Statutes by which the University of Dublin and Trinity College are now regulated?

MR. GLADSTONE, in reply, said, the hon. Member was, no doubt, aware that the Government were not in official possession of the charters or statutes mentioned in his Question. He had every reason to think that, so far as it was necessary for the convenience of the House, copies of them might be procured. It had never, he might add, been usual to furnish the statutes of Universities or Colleges. They were of great length, and it would take a considerable time to have them printed and corrected. The charters were not, he believed, of great length, and his noble Friend the Chief Secretary for Ireland would endeavour to procure copies of the more material charters, such as those of Queen Elizabeth, James I., and the letters patent of Charles I. He might further observe that, although not in possession officially of the statutes, the Government would have no difficulty in obtaining copies of them, which might be placed in the Libraries of both Houses of Parliament for more convenient reference.

RAILWAY AMALGAMATION BILLS.—JOINT COMMITTEES.—QUESTION.

MR. RATHBONE asked the President of the Board of Trade, What course he intends to propose with respect to the Railway Amalgamation Bills; and, whether he will propose such modification of the Standing Orders as shall enable public bodies representing traders, such as Chambers of Commerce, a locus standi before Committees on such Bills?

MR. CHICHESTER FORTESCUE, in reply, said that the course which he proposed to take with regard to the Railway Amalgamation Bills was that which was recommended by the Joint Committee of last Session. He would, therefore, move a Resolution to the effect that all Railway Amalgamation Bills this Session, and also all Bills to enable railway companies to acquire possession of canals, should be referred to a Joint Committee of the two Houses especially selected for the purpose. Some such modification as that to which the hon. Gentleman had alluded would probably be effected.

PUBLIC HEALTH LEGISLATION—THE SANITARY COMMISSION.—QUESTION.

MR. RAIKES asked the Right honourable Baronet the Member for North Staffordshire, Whether he intends to introduce during the present Session any measure relating to the Public Health?

SIR CHARLES ADDERLEY, in reply, said, he hoped that those who were members of the Sanitary Commission would be permitted to reintroduce their measure this Session, with the view of collecting in one Bill such powers and duties of the local authorities throughout the kingdom as were now scattered over 19 or 20 Acts of Parliament. The Acts of the two last Sessions had dealt with the authorities, local and central, and it was therefore urgent that their powers and duties should, as soon as possible, be made clear. He trusted that, after what fell from the right hon. Gentleman at the head of the Government the other day, they might have the assistance of the Government, and that a satisfactory measure might be produced.

PRICE OF COALS—RAILWAYS.

QUESTION.

Mr. EYKYN asked the Secretary of the Board of Trade, Whether the Board had taken into consideration the present high price of coal in the metropolis, especially with respect to the restrictions imposed by the London and North Western Company on the transit of coals between London and Rugby, and whether, if those restrictions were removed, the Midland and other railway companies having termini in London would offer facilities for the carriage of coal to the metropolis?

Mr. A. PEEL, in reply, said, that the Board of Trade had no information on the subject nor means of obtaining it, other than those which were open to any Member of the House. If the hon. Member would specify the grievance complained of in a letter, he (Mr. Peel) would be happy to communicate it to the railway company. He thought that if the Government granted a Committee of Inquiry into the coal supply, such subjects of complaint as those referred to by the hon. Member might properly afford matter for investigation.

JURIES BILL—[Bill 35.]

(*Mr. Attorney General, Mr. Solicitor General.*)

SECOND READING.

Order for Second Reading read.

The ATTORNEY GENERAL, in moving that the Bill be now read a second time, said, that he should not enter upon its provisions at any great length, as the subject had already been frequently under the consideration of the House. By the Common Law Procedure Act of 1854, and still more by the Acts of 1862 and 1870, great alterations had been made in the law relating to juries, so that it had become extremely difficult of late years to find out what were the liabilities of particular persons with respect to serving on juries, and still more difficult to administer satisfactorily a law which had fallen into such a state of confusion. There could be no doubt that the defects of the jury law had resulted in the general deterioration of the character of juries, and that juries had not for the last 10 or 20 years secured for themselves that respect which those who wished to stand up for trial by jury desired they should command. This was the more to be regretted because under the Act of George IV. the subject was perfectly plain. The eulogy pronounced on the system of trial by jury by *Blackstone* might be somewhat over-painted, but he did not know that he should be disposed to differ very much from it in principle. It was as follows:—

> "Trial by jury ever has been and I trust ever will be looked upon as the glory of the English law. I may venture to affirm that it has, under Providence, secured the great liberties of this nation for a long succession of ages; and therefore, the celebrated French writer (Montesquieu) who concludes that because Rome, Sparta, and Carthage lost their liberties, therefore those of England in time must perish, should have recollected that Rome, Sparta, and Carthage at the time when their liberties were lost, were strangers to trial by jury. Great as this eulogium may seem, it is no more than this admirable institution, when traced to its principles, will be found in sober reason to deserve. . . . . It is therefore a duty which every man owes to his country, his friends, his posterity, and himself to maintain to the utmost of his power this valuable institution in all its rights, to restore it to its ancient dignity if at all impaired, to amend it wherever it is defective, and, above all, to guard with the most jealous circumspection against the introduction of new and arbitrary methods of trial, which under a variety of plausible pretences may in time imperceptibly undermine this best preservative of English liberty."—[Book iii., ch. 23.]

He did not think that *Blackstone's* view differed from that which any man who looked into the subject would have. There were, however, many more modern authorities in support of the system of trial by jury. In the complicated and artificial system under which we lived many indirect as well as direct advantages flowed from this method of trial which deserved attention. Thus it was of great benefit to the community that the public should take an actual part in the administration of justice, and he should be sorry if the Courts of Law ever fell into the hands of merely professional men. He believed there was no better education in the best and truest sense of the word than that which was derived from taking part in the administration of justice as jurymen, and while he had the highest respect for Her Majesty's Judges, he thought that juries might sometimes act as a check upon less perfect Judges. A Judge, no doubt, had obtained in this country a position of dignity and independence; but he did not thereby at once become an inspired and infallible person, and a learned and able Judge once remarked to him that one effect of the interposition of juries was to compel him to give reasons for his judgment, and those reasons must be such as would be intelligible to 12 ordinary men. The institution was therefore very well worth preserving, and his object throughout this Bill had been to maintain the principle of trial by jury, and simply to improve the details of the present system, to raise the qualifications of jurors, to do away as far as he could with the unfair personal incidence of the present law, which pressed with great hardship upon particular classes of the people, to bring about an entirely impartial administration of the law, and to put an end to the inconvenient practices, and he might say corruption, which now existed in the administration of the law, as far as regarded bringing the jurors into Court. This latter was an abuse which was patent to all accustomed to deal with the subject, and was one which cried aloud for a remedy, and for which he trusted it would be found that the system which he proposed to establish would afford a practical and effectual remedy. The whole question had been carefully investigated last year by the Select Committee which had been appointed to consider the Bill which last year he had introduced, and which Committee had consisted of 16 or 17 influential and experienced Members of that House, whose opinion would doubtless have the greatest weight with hon. Members. Among them was the late Attorney General for Ireland, whose loss to the House he was sure both sides equally regretted. The present Bill was *verbatim et literatim* in the form in which that Committee had left it. He had not thought it becoming in him on his own authority to alter any decision which that Committee had arrived at after due discussion, and often by large majorities. But although he had not presumed to introduce alterations in the Bill itself as it had left the Select Committee, still he should feel bound to take the sense of the House upon two points to which he should presently refer, on which he differed from the opinion which had been arrived at by the Committee, and which he should try to induce the House to reverse. The Bill proposed to reduce the number of jurors to seven in all cases with a single exception. The principle of reduction in the number of the jurors was unanimously agreed to—the number was, as might be expected, a subject of considerable discussion—and the number seven was arrived at as a compromise, and as being on the whole a convenient number. In his opinion it was exceedingly important that the number of jurors should be reduced. Of course there was no principle in the question of the number, and there was nothing particularly magic in the number 12 as constituting a jury. That number, as far as he knew, did not obtain in other countries besides our own, neither did it obtain in all parts of England, nor in the largest, most prosperous, and most important of our colonies. Again, in the County Courts, a jury of five decided questions of considerable importance which formerly could be decided by a jury of 12 only, and he believed decided them with perfect satisfaction; and those who knew our law knew that the number of 12 was not the creation of statute, nor proceeded from any particular wisdom, but had been arrived at almost as a matter of chance; and though it had had a long spell of authority in this country, still there was no more reason for the number 12 than any other. 15 had been for a great many years the number of the jury in criminal cases in Scotland. His great object in framing this Bill for the amendment of the jury law had been to obtain the maximum of public advantage with the minimum of private inconvenience. It must be borne in mind in considering this subject that it was not so much the serving upon juries that was the great cause of complaint — it was that the jurors were compelled, day after day, to keep on kicking their heels in a Court of Law without even being eventually required to serve. Of course a margin of jurors beyond the number actually required to serve must be provided, in order that when a jury was locked up, or jurors were taken ill, others might be ready to take their places. But if the number of persons required to form a jury were to be reduced to seven, the amount of unnecessary inconvenience which would be saved to those summoned would be amazing. Now, the two important subjects on which he respectfully ventured to differ from the decision of the Select Committee were—

first, the composition of an ordinary jury; and, next, the question of unanimity. The Select Committee resisted his proposition that there should be a definite proportion of more highly educated and of what he might call less educated men on each jury—a matter he had very much at heart. He very much regretted the decision of the Committee. He told the Committee he could not accept it as a final decision, and that he would endeavour to reverse it. And he would tell the House why. The presence of special jurors upon every trial was a thing that had been recommended by the highest possible authority—by the Common Law Commissioners and by the Judicature Commission. The Common Law Commissioners of 1850 in their second Report, dated the 30th of April, 1853, said—

> "On every trial there should be an admixture of jurymen of the class from which the special juries are now taken. This is, indeed, now the law, though in practice the names of persons qualified to be special jurors are not placed on the common jury panel. There is every reason why jurors of the higher class should assist in the administration of justice to the same extent as those who constitute the common juries. We think the higher class of jurors should bring the assistance of their more cultivated minds and superior intelligence to the decision of cases which, although they may not admit of the additional expense attendant under the present system on having a special jury, may not be the less important to the parties whose interests are involved. At the same time it should be understood that we do not propose to abolish the right which now exists of having a special jury as at present appointed. What we recommend is that the general jury panel should be made up indiscriminately from all persons qualified to serve on either jury."

The same Commissioners in their third Report, made in 1860, said—

> "We think it right to avail ourselves of this opportunity to invite renewed attention to our former observations respecting the constitution of juries. More especially we would urge the consideration of that part of our recommendations which relates to securing the attendance on common juries of the class of persons who now serve exclusively on special juries, with a view to the improvement of the former by the admixture of persons of higher education and intelligence. We are strongly persuaded that a very great improvement would by this means be effected in the constitution of juries; and as we do not propose to do away with the right of parties to resort to a special jury, or to deprive special jurors, when serving as such, of the additional remuneration which they are in the habit of receiving, we can see no ground why the liability of such persons to serve on common juries which already exists in law, though it is not required in practice, should not be enforced."

The Judicature Commissioners in their first Report, made in 1869, quote the above passages, and state their "entire concurrence" with the views expressed. So that the recommendation that in common juries there should be an element of intelligence and education came supported by as good authority as the legal profession could furnish. He was, therefore, only recommending what had been repeatedly enforced on the House. Now, so far from the principle or practice of adopting all such measures as might be necessary for providing a competent jury for "every trial" being either new or unknown to law or custom, or to the theory of trial by jury, it would be found that throughout English history from the earliest times down to at least as late as the reign of Elizabeth, the Sheriff, in all cases of the slightest importance, was directed to do what was in fact his duty in all cases, by returning a "good" jury—an expression which implied that there were to be jurymen who were educated and intelligent and above the common run of jurymen. Of late years the whole law relating to juries has been allowed to fall into utter confusion, which had been aggravated by the conduct of the Sheriffs, who substituted, when they thought it expedient, practices of their own for their legal duties. One consequence of all this irregularity had been that trial by jury had to some extent declined in estimation through the abuse, for it was nothing else, of making up common juries exclusively of common jurors, and of common jurors, moreover, drawn from a lower class of the community than that from which they used to be taken in former times. The assertion was scarcely too broad that trial by common jurors only was unconstitutional, and had never at any time been contemplated by the law. The Commissioners, therefore, whose Reports have been quoted, could scarcely do otherwise than recommend that jurors should be summoned under some system which would render certain the presence of some special jurors on "every trial." How, then, was it to be done? The Bill provided that it should be done haphazard—that the jury roll should be made out indiscriminately from jurors of both sorts, special and common. It would be found, however, that the plan which they suggested for securing that object would clearly fail to carry their recommendation into any real effect. The common jurors were the overwhelming majority in the largest number of places in England. In some places it was not so, especially in the City of London, where the common jurors and the special jurors were almost equal in number. An indiscriminate system would work unfairly and improperly in both of those cases. In the larger number of cases, where the overwhelming majority were common jurors, of course the great majority of ordinary jurors would have no special jurors on them whatever if the jurors were taken at haphazard. In the few cases where the balance was nearly equal there was a waste of jury power, because they had an equal number of common and special jurors, which they did not want. They wanted a due proportion. He would give the House two or three curious details to show how the haphazard system would work. At the time when the Judicature Commission reported, the proportion in Sussex was this:—Common jurors, 7,303; special jurors, 197. In Kent the common jurors were 15,600, and the special jurors, 400. In Lancashire the common jurors were 42,550, and the special 1,400. In the parish of Marylebone the common jurors were 3,680, and the special 300. In St. Pancras the common jurors were 6,628, and the special 50. In Paddington the common jurors were 3,390, and the special 220. In Gloucestershire the common jurors were 6,754, and the special 250. Now anyone who considered these figures would see that his case was made out. These figures were taken from the evidence of official witnesses given before Lord Enfield's Committee. They were not chosen as in any way exhibiting more strongly than was the case in other places the disproportion in the numbers of the two classes of jurors: they were given because they were the only figures of the kind accessible to him. It was impossible to suppose that where the proportions were these you could get by indiscriminate selection the presence of educated men on every jury. Juries were twofold. There were criminal juries and there were civil juries. It was desired that satisfaction should be given in each case. Now, if juries were selected by chance, they might have a prisoner of the upper sort tried exclusively by a jury of the lower sort, and a prisoner of the lower class tried exclusively by a jury of the upper class, and in either instance the administration of the law was not likely to command confidence. Take a civil jury. You might have persons of one class adjudicated by persons exclusively, or almost exclusively, of another class, and class-feeling would influence the result. Now, what he desired to secure was, that an ordinary jury should be an ordinary jury. If there was upon each jury a definite proportion of the one class and the other, and if men knew beforehand the sort, they could say whether or not they were content with it, or whether they would prefer a special jury. The main objection to this provision of the Bill was, that it would operate unfairly, not as regards the attendance of jurymen, because everybody was to serve and nobody was to serve twice, but by introducing class prejudices into the jury box. Now, to that he would reply that the very men who had urged that objection—and a very shadowy objection it was—had themselves expressly desired that to which they seemed to be opposed. They had all said—"Secure for us, if you can, the presence of men of education." When, however, it was admitted that it was right to secure the presence of men of education upon common juries, did not that mean that it was well to secure some men who were superior to the rest? He doubted whether there was any real substance in the objection. In the first place, it was a pure matter of theory. There was no other authority than that of the Select Committee in support of it, and high authority and experience were on the other side. For the last two years in Middlesex, and he also believed in London, many special jurors had served indiscriminately, and he had not heard of any class feelings or class prejudices having been begotten in the jury in consequence. Moreover, it was part of the proposition which he made in this Bill, that invidious distinctions in point of description should be removed from the jury list. Whereas, at present, some men ranked as bankers, merchants, esquires, yeomen, or otherwise; in future the only distinction between them would be that which was the result of higher or lower rating. Men below a certain rating would be marked

C in the jury list; those above a certain amount of rating would have S set against their names—there being but one list, although there would be two qualifications. To this proposal he thought there could be no exception. Moreover, the new law, like most other laws, would be administered by sensible men, who would take care that the lists would be properly composed. It was to be remembered that a great many men who now ranked as special jurors were men engaged in trades or other callings, who would hereafter only be placed among the class of special jurors, because, from the amount of their rating, they might be taken presumably to be persons of a higher education. Supposing, however, the charge made against this provision of the Bill to have some foundation, what did the charge come to except that, in cases where there was a class feeling, the matter which gave rise to the class feeling should not be decided by one class alone? He was always glad, if possible, to appeal to authority, and upon points of practical wisdom it was well to be able to appeal to the authority of our Scotch fellow-subjects. For a great many years, then, the principle he was now proposing to adopt in England had been adopted in Scotland in criminal cases; and since the Jury (Scotland) Act was passed it had been adopted in civil cases also. Out of 15 jurymen in criminal cases in Scotland, 10 were common and five special jurymen; and it had been stated on the authority of the hon. and learned Gentleman (Mr. Gordon) in this House that the arrangement had given general satisfaction. The 31 & 32 *Vict.* c. 100, provided that in civil cases there should be 12 jurymen—eight common and four special jurymen. He stood, therefore, upon authority, both in this country and in Scotland. The Scotch, therefore, who were a shrewd and peculiarly sensible people, did not object to the principle which was embodied in the present Bill. At best the objection was a theoretical one; it was not formidable even if it were true, and there was a weight of authority and of practical experience directly the other way. Another point on which he should ask the House to reconsider the decision of the Select Committee was as to the unanimity of the jury. He admitted that the question was one which increased in difficulty in proportion as they diminished the number of the jurors; but, with every respect for "the wisdom of our ancestors," he must call the existing law in this respect somewhat barbarian. He could not see why they should insist that every one of the 12 or of the seven should be of the same opinion. Why should one pertinacious, wrong-headed, cantankerous man be able to veto the reasonable conclusion of any number of persons? He did not want to specify what number of persons should constitute a majority on a jury, for he had no definite opinion as to what the majority which should bind the rest of the jurors should be; but, whatever number was adopted, he trusted the House would no longer insist upon unanimity in verdicts. He had preserved the old number of 12 jurymen in cases of treason, treason-felony, and murder, and proposed that in those cases the jury should be unanimous. If asked why he had done this, he must say that he did not know that he could give any good logical, and perhaps not even any sensible reason for it, such as would stand the test of argument. He had done it from a deep-rooted feeling—superstition, if you liked to call it so—for the profound, immeasurable sanctity of human life, and because death, when carried into execution, was the only sentence which could not be reversed—the only mistake you could not atone for. He had not thought it right that human life should be taken more easily than before, and therefore the concurrence of 12 men would be required as heretofore. While strenuously maintaining the justice of capital punishment, he desired to fence life in the English law with every security. If the House would examine the Bill it would be found to contain within itself the whole law upon the subject on which it treated. Our legislation had been subjected to well-founded reproaches as to its obscurity and difficulty, one cause being that when the law was altered the alteration did not speak for itself, and you had to refer back to former statutes to find what the law was. The result was that lawyers only could say what the law was, and even very few lawyers could speak on this point with certainty. The present Bill would show absolutely and completely what a man's liabilities were as to juries, and would do so, he hoped, with clearness and precision. In this way only could these subjects be properly dealt with and the Statute-book made reasonable and intelligible. It would be absurd to suppose that he could undertake alone the preparation of a Bill like this—referring to a subject which was not very attractive in itself—which was full of out-of-the-way detail and learning, which did not come across the path of the ordinary practising barrister. He thought it right, therefore, to state that he had had the advantage of the aid of a gentleman who united to great intelligence and ability a peculiar and almost unique acquaintance with this head of the law—Mr. Erle, Associate in the Court of Common Pleas, and also of Mr. H. Pollock, Associate in the Court of Exchequer. He did not mention the names of those gentlemen in order to evade responsibility. The Bill was still his, and he was prepared to bear the burden of the faults and errors contained within it; but if there were any merits in the scheme it was only right that they should be credited to the persons to whom they belonged.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Attorney General.*)

MR. STAVELEY HILL moved that the Debate be now adjourned. No doubt the Bill was before the House last Session, but it was at once referred to a Select Committee, and it came back in a very different form from that in which it left the House. This happened at a very late period of the Session, and therefore hon. Members did not upon that occasion look into the Bill. The subject was one in which he took a deep interest, but he had not had an opportunity of seeing the present Bill until it came down from the Vote Office at about 10 minutes to 5 that day; and therefore he could be pardoned for not having studied its provisions. He did not think, therefore, that he should be doing an unusual thing in moving the Adjournment of the Debate in order that they might have time to consider the matter.

Motion made, and Question proposed, "That the Debate be now adjourned." —(*Mr. Staveley Hill.*)

MR. M. CHAMBERS said, he could not for the life of him see any good reason for reducing the number of men now composing a jury from 12 to seven. He thought they ought at once to protest against the number of 12 being interfered with. It was true tradition told of seven wise men, and common report attached something mystical to the number. It was curious enough, but every person who had mixed in society had observed that there was a sort of mystery with reference to the number seven. It was imagined by some to be a lucky, and by others an unlucky number; but at the risk of being regarded as an antiquated person, he objected to a reduction of the number of a jury from 12, lest we might eventually come to the abolition of trial by jury altogether. And why should charges of treason and murder be tried by 12, when other felonies, misdemeanours, and civil cases were to be tried by seven? The grand object to be sought in the administration of justice was complete satisfaction on the part of the public and an absence of any suspicion of compromise. If the jury of seven were at first divided and afterwards agreed, the inevitable consequence would be that the public would believe the majority of four had induced the minority of three to forego their opinion. He thought also that it was highly important that in civil cases there should still be a jury of 12, for those cases were often of enormous importance, and their results sometimes ruinous, to the parties concerned. He could not deny that inconvenience resulted from time to time, owing to the non-attendance of jurors, but that state of things could be remedied by a stricter exercise of existing powers to enforce their attendance. The common jurymen, who were miserably underpaid, attended in tolerable numbers. Special jurymen, on the other hand, stayed away just as they liked; were often loud in their complaints if they attended for one or two days without being called; and when they acted they received their guinea. For his part, he thought that special jurors, from the social position they occupied, ought not to demand a guinea for trying a case, but ought to perform that public duty without hope of receiving payment. [*A laugh.*] That might seem a strange proposition, but it should be remembered that if they discharged that duty towards others they would find it done for themselves also when they were engaged in causes. His chief object in rising was to protest against the proposed diminution in the number of jurors, because he was afraid that if the number was reduced as proposed, it would be the first step towards the abolition of trial by jury. It was the fashion sometimes to sneer at that tribunal; but those who did so forgot how well it had worked and the benefits it had conferred on the community. If they were now to act upon the principle of the Attorney General, and diminish that number from 12 to seven, they might soon find it reduced from seven to five, and from five to three, and, finally, they would have causes tried by a single juryman. Instead of having trial by jury, they would have substituted for it trial by one Judge. He believed that common jurymen would be strongly opposed to the proposed composite arrangement and as to the numbers attending, he thought a sufficient number might be obtained without any substantial inconvenience. He objected to any alteration in the number of the jury with which the minds of Englishmen had been for so many centuries familiar. With great respect to the Judicial Bench, he could not help saying, before he sat down, that he had observed that Judges were gradually acquiring greater power over the minds of juries than they ought to possess or exercise, and this fact gave rise to what was frequently said that the Judge could lead the jury just as he liked. Juries were bound to take the law from the Bench, but of the facts of a case they were the sole judges. He hoped before they came to the consideration of the clauses in Committee, hon. Members would give what he might call a patriotic attention to the principal proposal of the Bill, and that they would not consent to a reduction in the number constituting a jury simply for the sake of the despicable consideration of convenience.

Mr. JAMES said, he concurred with his hon. and learned Friend the Attorney General that the present unsatisfactory state of the jury system rendered it desirable and necessary that some re-arrangement of it should be made during the present Session. But while he hoped that the Bill would be read a second time there were some provisions in it which required much consideration, and in respect of which full opportuniy for consideration and inquiry ought to be afforded. The principal matter to which attention would doubtless be directed, and to which it was impossible not to attach great importance, was the proposal to alter the constitution of a jury by reducing the number from 12 to seven. In the Select Committee of last year that proposal was carried by a very narrow majority. He (Mr. James) was among the minority, and his hon. and learned Friend was aware that it was intimated the opinion of the House would be taken by the minority before the important alteration in question was agreed to. No Notice had, however, been given that the provision would be discussed on that occasion, but his hon. and learned Friend was aware that in Committee a division would be taken on the subject. Many hon. Members would doubtless be anxious to know why the change was proposed, and his hon. and learned Friend, if he desired to effect it, must show that the alteration was required, and would, if carried out, be likely to work well. He wished to say that not being confident in his own opinion, he had taken some trouble to ascertain the views and feelings of his brethren at the Bar, who were likely to be able to judge of the change, on the subject. He had obtained the signature to a paper handed round without comment of most of those who took a conspicuous part as advocates at Westminster Hall, and he felt bound to say that their opinion was almost unanimous against the proposed change. They thought it was not desirable in civil cases that the number of jurors should be reduced from 12 to seven. In face of these facts, he hoped that ample time would be given for the consideration of the Bill in Committee. His hon. and learned Friend had referred to one other topic—namely, that of composite juries—a subject which was not sought to be dealt with in the Bill. That subject, too, had been fully considered by the Select Committee; and while they resolved that the number constituting a jury should be seven, they were opposed, as he was, to its being a composite jury. If they had a composite jury they might have four special jurors to be paid a guinea each, or four common jurors whose ordinary fee was 2*s.* each, and the chances were that the verdict would not express the mind of all the jurors, but would be the hasty decision of the majority, and probably in the end most unsatisfactory. On this point his hon. and learned Friend stood almost alone in the Committee, and his reason for touching on it, although it formed no part of his Bill, was perhaps to foreshadow the argument he would eventually bring forward with a view to show that the Committee had arrived at an erroneous conclusion. Whilst everyone wished to see a Bill of some kind carried, he certainly thought that a discussion on the particular clauses contained in this one ought to be postponed so as to give hon. Members time for consideration.

MR. ALDERMAN W. LAWRENCE observed that the hon. and learned Attorney General, in advocating a change in the jury system, had failed to make out any case for his proposed reduction in the number constituting a jury. Before he could justify such a measure he should have shown that under the existing system jurors had failed in their duties, or that they had delivered improper verdicts. There had been occasional miscarriages of justice, but there was no evidence to prove that such would not have been the case had the juries consisted of seven instead of 12 persons. It was true there was no magic in the number 12, but there was this reason for a continuance of that number—that it had existed and had worked well for a long series of years. It was said that the present system involved great inconvenience to jurors; but he maintained that there was an argument of much greater weight on the other side, and that was the confidence which the people felt both in Judges and juries; and he thought it infinitely more important than any supposed inconvenience of that number that the confidence of the people in the administration of the law should be carefully preserved; therefore the hon. and learned Gentleman would do well to pause before making any change which might shake that confidence. Then as to the suggested admixture of the jurors —knowing the feeling of the great body of the people—he was quite sure that they would deprecate this attempt to influence the one class of jurors by associating with it what was supposed to be a superior or better educated class. That would be, indeed, the introduction into the jury-box of the caste system for the purpose of effecting an undue influence, and would be looked upon by the people of this country with very little favour. The amount of rates paid by individuals was no criterion whatever of the superiority or better education of one class over another, and as to the proposal of accepting the verdict of a majority, it appeared to him to be better to abolish juries altogether than to allow a man to be convicted of an offence by the voice of a simple majority. The hon. and learned Gentleman spoke as if it was a thing not to be expected that 12 men should be of one mind. That might be the case with respect to a question of doctrine or philosophy, but there was nothing so unlikely in expecting that 12 men could be brought to say, after hearing the evidence, whether one man had or had not injured or robbed another. The Bill provided that the number seven might in cases of illness or absence be reduced, and that the Judge might direct that the trial should go on with five jurors, except in cases of murder and treason. But it ought not to be permitted that important cases, involving charges of libel or conspiracy for instance, should be decided by the majority of a jury of five persons. He held that it would be unwise to try to carry out a doubtful improvement at the risk of shaking the confidence of the people in trial by jury.

MR. LOPES said, he had for many years endeavoured to call attention to this subject, and he had himself brought in a Bill with a view to remedy the serious grievances under which the people of this country laboured. But, feeling that the undertaking was too much for any private Member, in the February of last year he moved that the whole measure should be dealt with by the Government in a large and comprehensive measure. He was bound to say that the Attorney General at once acceded to that proposition, and he rose now chiefly for the purpose of thanking the hon. and learned Gentleman for the prompt and full performance of his promise and for the measure which he had introduced. He did not purpose to discuss the merits of the question on the Motion for the Adjournment of the Debate, but he would suggest to his hon. and learned Friend the Member for Coventry (Mr. Staveley Hill) that this was an exceptional case, and that the Bill had been stated to be in the main a copy of the Bill of last Session which was discussed before the Select Committee, which was printed and in the hands of hon. Members before the Long Vacation. Would it not be sufficient for his hon. and learned Friend's purpose that the Bill, if now read a second time, should not be taken in Committee until after Easter? That would give sufficient time for its consideration. The hon. and learned Gentleman the Attorney General did not assent; but he should remember that many hon. Members who took a great interest in the measure, and who would like to have an opportunity of discussing the different clauses, would of necessity be absent between this and Easter.

Mr. GATHORNE HARDY was bound to say, in defence of his hon. and learned Friend the Member for Coventry (Mr. Staveley Hill), that the hon. and learned Attorney General, he thought, had taken a course which he would find a bad precedent to be followed. If they were to accept this measure at once, because a similar one had been in their hands at the end of the previous Session, they might find themselves placed in a position of some difficulty. He was further reminded by the hon. and learned Member for Taunton (Mr. H. James) that the Attorney General had dwelt at some length on one particular point which was not in his Bill at all. Nevertheless, he thought that the House might assent to its second reading now, upon the understanding that ample time should be afforded them for the consideration of its provisions before they were asked to go into Committee upon it. He would, therefore, unite in the request of the last speaker, that his hon. and learned Friend the Member for Coventry should withdraw his Amendment. It was clear that there really was no opposition to the second reading of the Bill, but only to details of it, and therefore he hoped that his hon. Friend would withdraw his Motion. A good deal had been said upon the subject not only of special, but of ordinary jurors. It had always appeared to him while in practice at the Bar, and since in his small judicial capacity at Quarter Sessions, that there was a class of persons who were never tried by their peers—he referred to the labouring class—and that it would be well, if possible, to introduce working men into juries. He knew that the question was a very puzzling one; and it seemed to him that though it would be, of course, impossible to throw the jury lists altogether open, it would be desirable that a proportion of members of the labouring classes should be found on them. He merely threw it out now, however, as a suggestion for the consideration of his hon. and learned Friend.

Mr. GREGORY said, he concurred in the appeal to the hon. and learned Gentleman to withdraw the Amendment, but at the same time he thought that, as the clauses of the Bill were numerous and the subject an important one, it was desirable that a tolerably long interval should be given for the consideration of it, although he was aware that it embodied the recommendations of the Select Committee of last year. He quite agreed with the Attorney General as to the non-necessity of requiring unanimity in a jury.

The ATTORNEY GENERAL was in this matter in the hands of the House, and would never for a moment think of pressing on the second reading if there was any real desire that the debate should be adjourned. It was evident, however, that that was not the case, and he trusted that his hon. and learned Friend who had moved the Amendment would feel that in the discussion which had taken place the object he had had in view had been attained. The Bill was, no doubt, complicated in its details, and the demand for time for its consideration was only reasonable. He would therefore put down the Committee for Thursday next, with the distinct understanding that it would not come on on that evening. By that time he would probably be able to fix a time which would be convenient to hon. Members.

Mr. STAVELEY HILL would at once accept the hon. and learned Gentleman's proposal, and withdraw his Amendment.

Motion, "That the Debate be now adjourned," by leave, *withdrawn.*

Original Question put, and *agreed to.*

Bill read a second time, and *committed* for *Thursday.*

EPPING FOREST BILL—[BILL 39.]

(*Mr. Ayrton, Mr. Baxter.*)

SECOND READING.

Order for Second Reading read.

MR. AYRTON, in moving that the Bill be now read a second time, reminded hon. Members that an Act was passed two Sessions ago for the purpose of authorising Commissioners to inquire into all the disputed rights in Epping Forest, with a view to preserving all the rights of the public. At the time it was thought that the Commissioners would be able to complete their labours within two years. It was now found that this anticipation was not quite correct. The Commissioners had been proceeding very actively with the discharge of their duties from the passing of the Act to the present time, but had by no means arrived at a conclusion. Their first duty was to obtain an accurate survey of the remains of Epping Forest. This was a difficult task, and it was not until one year had elapsed that the map was laid before them. They had then to make inquiries into its accuracy, and to perambulate the Forest. These duties occupied two or three months. Then there was a great number of inclosures necessary to be surveyed. After this was done it was necessary to inquire into the rights of parties who made claims. No fewer than 553 claims had to be brought on before them for inquiry, and in order to do justice to those claims and to the parties connected with them, considerably further time would be required, as well as to prepare a scheme in reference to them; and it was for that purpose that this Bill was brought in. The right hon. Gentleman concluded by moving the second reading.

SIR HENRY SELWIN-IBBETSON would remind the House that the proposed extension implied a great increase of expense and inconvenience to a large number of people. There were many holders of small interests in land in Epping Forest, land held of the Crown, and which had been in the hands of the present occupiers for many years, and everything in connection with these interests was now in abeyance, and would be until the Commissioners issued their Report. It therefore seemed to him that the House ought to be very careful before it consented to prolong for another long term the present state of uncertainty as to the enclosures in this Forest. What they had already seen of the conduct of the Commissioners was not enough to convince them that this application might not at some future period be renewed. It was at first thought that the Commission need only sit two years; but that view was now altogether abandoned, and he himself believed that it was more likely to last for eight or ten years. Why, only the other day they had had evidence of the extent to which the inquiry would be protracted, for at a recent meeting of the Commission it was asserted that there was no limit to the power of cross-examination of the witnesses, and in consequence the cross-examination of one was conducted at such length that the Court had to adjourn to consider the matter. Again, the lords of the manors would be most seriously affected by the extension of the time now proposed to be given to the inquiries of the Commission. He would also point out that if, as he believed, the Commission would report that only part of the Forest was proper for the purposes of public recreation, then by allowing this fresh delay to the Commissioners they would virtually be allowing all the remaining portion of the Forest to lie unproductive during the interval. His view was this—that the Commissioners ought to have already decided what portion of the Forest should be set aside for the public, and to have confined their inquiries to that part. It was a serious matter, considering the rise in prices at present, that 3,000 of these acres should be shut up for another two years, and debarred from the possibility of being brought under cultivation. The smaller proprietors were not only hung up from dealing with their land, but had to attend before the Commissioners and watch the proceedings at great loss to themselves. They had also to watch the suits going on in the Court of Chancery. [MR. LOCKE: One suit.] The principal points to be arrived at were, whether the Metropolitan Board of Works or the City of London were the proper authorities in which the property to be set apart for the recreation of the people ought to be vested so as to free the rest of the property from litigation. The settlement of the question of Hainault Forest was carried through in a short time without complaint, and at an expense not exceeding £3,000. If the right hon. Gentleman brought in an amended Bill to define the power of the Commissioners, and to bring certain points before them on which they should give judgment at once, the House would be better able to deal with the subject. He hoped the House would pause before granting the extension of time now asked for.

Mr. LOCKE said, that as one of the Commission, he ought not, perhaps, to address the House, but he desired to answer one or two of the points of the hon. Gentleman opposite. The Commissioners had narrowed their inquiry for the present into all those parts of the Forest that had been encroached upon by the lords within the last 20 years; they had in the first instance confined themselves to 20 years, because if they had enclosed within that time they could not make out a title. It was necessary that the Commissioners should have plans made as to all the property that had been so absorbed; and then these plans had to be examined and corrected, and for this purpose perambulations were made by the Commissioners, who compared these plans with the land, and alterations had to be made; and, in fact, the work was of a complicated character, and required much time to perform it, and had only been got through towards the end of last year. The Commissioners had now commenced upon the claims of different parties who had made use of the land for their own purposes within the period he had mentioned. Counsel appeared for the different parties and the witnesses who gave evidence for the lord of the manor were cross-examined by Mr. Manisty, who appeared for the Commissioners of Sewers, and likewise by counsel for the Metropolitan Board of Works, in addition to the counsel for the Crown. Parties who had the same interest as the lord of the manor were of course partially represented in the examination-in-chief. Yet now the hon. Baronet wanted to arrest the proceedings at the very moment when the Commission was about to commence the really practical part of their duty, to which all the rest had been little more than preliminary. One question, which ought to be decided before the Commission resolve on a scheme, was what were the privileges of the commoners; whether the rights of individual commoners holding land in any part of the Forest, extended throughout the whole of it; and this was a question now before the Master of the Rolls, and would in all probability have to be finally decided, not by the House of Commons, but by the House of Lords, or the new tribunal which was now in embryo in that House. The matter had now reached a certain stage when something could be done, and if the House stopped its further progress all that had been done would be useless.

Mr. STRAIGHT said, he concurred in the last remark of the hon. Member for Southwark (Mr. Locke), and hoped the hon. Baronet would not persevere in his opposition to the Bill, especially at a time when the Commissioners were approaching the practical part of the business committed to their care. The argument the hon. Baronet had advanced this evening ought to have been addressed to the House when the scheme for the appointment of Commissioners was first brought forward. Now that the Commissioners had been appointed, and were actually exercising the powers conferred on them by the Act, the opposition of the hon. Baronet would, if successful, render void all the important business on which they had been engaged during the last 18 months.

In reply to Lord Henry Scott,

Mr. AYRTON said, the present Bill would continue all the powers conferred by the Bill of last Session.

Motion *agreed to.*

Bill read a second time, and *committed* for *To-morrow.*

SUPPLY—SUPPLEMENTARY ESTIMATES—NAVAL AND CIVIL SERVICE.

Supply—*considered* in Committee.

(In the Committee.)

(1.) £6,000, Gunnery Inventions, Captain Scott, R.N.

(2.) £9,620, Supplementary sum, Harbours, &c.

(3.) £3,260, Supplementary sum, Metropolitan Police Courts.

(4.) £1,250, Acquisition of Lands (Palace of Westminster).

(5.) £51,666, Supplementary Sum, Stationery, Printing, &c.

Mr. VERNON HARCOURT said, that before this sum was voted he should like to receive some explanation with regard to it from his hon. Friend the Secretary to the Treasury. It appeared from the Appropriation Act of last Session that the sum voted for the Departments was £396,000, being an increase of £26,000 on the preceding year, and now the Committee was asked to vote £51,000, making an addition of £76,000 in the same year for the article of stationery alone. It was true that in 1871 there was a Supplemental Vote, bringing it up to £400,000, but this year they were called upon to vote £448,000. If increase of expenditure was to go on at this rate, there would be no end to it. He wished to ask how far it was due to the increase of public business in Parliament, and how far to the public Departments themselves. Had not the time arrived when some attempt ought to be made to regulate this expenditure, and ought not a Committee to be appointed to control or diminish the enormous quantity of useless Papers that were distributed to the Members of both Houses? There were often printed Returns that were of great value to particular individuals, and for purposes of reference; but they need not be sent to all the hon. Members of both Houses; and in many cases, if 100 copies were printed and left to be applied for by those who required them, it would be found that that number was quite enough.

Mr. BAXTER said, so far from objecting to the hon. and learned Member calling attention to this matter, he was exceedingly obliged to him for doing so, because it was one which demanded attention. The responsibility for the increase depended very little, indeed scarcely at all, upon the Treasury. At the same time the increase which took place from year to year in this kind of expenditure could not be prevented unless the heads of the Departments concerned and the House of Commons took up the matter and dealt with it themselves. In consequence of action that was taken last year, the attention of the Committee was more than once called to the enormous cost of printing Parliamentary Returns and Blue-books; and it would be found that in that item, during the past year, there had been a considerable falling off, as he hoped there would be in future Estimates. It was not in the cost of Parliamentary printing that the enormous increase had occurred, but he was sorry to say it was owing to the daily increasing demands of the public offices throughout the country in regard to printing. It seemed as if there was to be no limit to the enormous expenditure which was every year incurred in printing public documents connected with various public Departments throughout the country. Some step ought to be taken, by the appointment of a Committee or otherwise, to endeavour to stop the increasing expenditure for stationery. Part of the apparent increase in this Vote, so far as it was due to two sums of £6,500 and £4,000, was a mere matter of account; but this was comparatively a small matter, and practically the Vote was increasing year by year, and every year, at this period, there were demands which necessitated Supplementary Estimates. He should be glad to co-operate with the hon. and learned Member in any practical course that might be suggested, as he believed the Vote was capable of great reduction.

Mr. RYLANDS said, that he hoped that the conversation might lead to his hon. and learned Friend moving for a Committee on this subject. He believed that the matter was one of detail, and that a Committee might reduce the expenditure of the Departments as the action of that Committee last year had reduced the printing of the House.

Mr. VERNON HARCOURT said, he did not quite understand whether the Vote was for expenditure actually incurred or whether it was to be incurred. If it were to be incurred, he thought he might help his hon. Friend the Secretary to the Treasury by moving that the Vote be reduced. And in order to raise the question, he would move that the Vote be reduced by £20,000.

Mr. BAXTER said, he did not think that would be a wise course to pursue. Most of the money, if not all, had been spent, or arrangements had been made for spending it; and the consequence of making a reduction now would be to swell the Estimates for next year. He thought the general object of the hon. and learned Member could be attained in a more practical manner.

Mr. SCLATER-BOOTH said, that there had been errors in the Estimates of the Stationery Department for the last two or three years. Last year that Department took not only a Supplementary Estimate for the year ending March 31, 1872, but also an excess Vote for the year ending March 31, 1871, the excess Vote being £13,800, and the Supplementary Estimate £25,000. When a Department made an under-Estimate, or spent money in excess of its Estimate, it would be well to allow the excess to be reported by the Audit Office, and then it would have to be voted as an excess; but to bring forward an official Estimate at the close of the financial year was to condone an excess, and to defeat the practice of estimating the public expenditure.

MR. BAXTER said, he had already made a suggestion in the proper quarter, and it had been adopted—namely, that the heads of the various Departments should be communicated with, in order to ensure more accuracy in the Estimates, and a reduction in the expenditure.

Amendment, by leave, *withdrawn.*

Vote *agreed to.*

(6.) £14,000, Supplementary sum, Police (Counties and Boroughs).

(7.) £730, Supplementary sum, Miscellaneous Legal Charges.

(8.) £20,000, Supplementary sum, Colonial Local Revenue.

(9.) £6,000, Supplementary Amount, Tonnage Bounties and Bounties on Slaves, &c.

MR. RYLANDS said, that although these payments were made under an Act of Parliament, there was no sufficient check on such bounties. The arrangement, as he understood it, was this:—if a cruizer captured a slave vessel, though there might be no slaves in her, the cruizer could claim prize money on the amount of the tonnage of the vessel so captured; and if, on the other hand, there were slaves in her, the cruizer might, in order to take advantage of the greater bounty, charge the prize money on the number of slaves, instead of the vessel's tonnage. He believed irregularities had occurred in former years, and inasmuch as the slave dhows on the East Coast of Africa were exactly the same kind of vessel as those engaged in lawful commerce, he suggested that the bounties paid should be only for the slaves actually captured. The advantage he now pointed out had been taken and might be taken again, and there was also reason to believe that ordinary vessels engaged in legitimate commerce had been captured as slave ships, and confiscated. All this showed that the prize money should be paid on the number of slaves actually captured, and not on the tonnage of the vessels. He presumed that the officers and men were paid like those in Her Majesty's service in other parts of the world and he therefore altogether objected to the system; but if the system was to be continued, the bonus should depend on the number of slaves captured. No temptation should be offered to men employed on those seas to make captures of vessels which might actually be employed in legitimate trade. He therefore hoped the attention of his hon. Friend would be directed to this subject.

MR. BAXTER said, the views taken by his hon. Friend much commended themselves to his judgment, and the Government would give itself to the subject and exercise caution, but he did not think that anything had occurred recently to justify an interference with the existing rule. He hoped that in a few years, as the result of measures which were being adopted, this Vote would disappear entirely from the Estimates. The civilized nations of the world had put an end to the slave trade on the West Coast of Africa, and he trusted that the result of recent measures would be to put an end to the slave trade on the East Coast.

Vote *agreed to.*

(10.) £1,395, Guarantee (Mediterranean Extension Telegraph Company).

(11.) £18,536, Supplementary sum, Miscellaneous Advances, Civil Contingencies Fund.

MR. BOWRING called attention to the sum of £16 0*s.* 10*d.* charged in this Estimate for the maintenance of Manuel Vacca, a pirate chief, who was imprisoned at Ascension. This piratical chief, like a bad shilling, was always turning up, for he had appeared for small sums varying from £4 to £46, and amounting in all to £120 in the Votes of five successive years, during which time his annual imprisonment appears to have ranged from three to 12 months. He thought that he ought no longer to be thus specially distinguished in the ornamental Votes for Civil Contingencies, but should be treated like any other ordinary convict imprisoned in this country. There was another item in this Vote to which he wished to draw attention—the item of £400 to Mr. Ross for his *Parliamentary Record.* He had not a single word to say against the *Parliamentary Record.* It was a most useful publication, and very much appreciated by Members of the House. But he wished to ask a question with reference to another publication which was published chiefly for the use of the Members of the House. He referred to *Hansard,* which recorded the debates of Parliament in a very voluminous and authentic form. He found that Mr. Hansard and his family had published their *Parliamentary Debates* for a period of between 60 and 70 years. The debates which originally occupied one or two volumes a Session now extended to five; it was well-known that in a pecuniary point of view their publication was no longer in any sense remunerative; and if it had not been for Mr. Hansard's patriotism and his wish to benefit the public he might have long since fairly ceased to publish these invaluable reports. He did not see how they could expect Mr. Hansard to produce these volumes at a pecuniary loss, at the same time that serious public inconvenience would be entailed by their discontinuance; and the question he had to ask was, whether there was any intention of inserting an item in the Estimates for *Hansard's Debates* similar to that given to Mr. Ross' *Parliamentary Record.* He spoke without having any communication with Mr. Hansard—but he hoped the subject would be taken into consideration.

MR. BAXTER said, he could not share in the wish of his hon. Friend, that the pirate chief should be brought home to this country. The small sum which appeared in the Estimates was simply for his maintenance as a prisoner at Ascension; and he (Mr. Baxter) preferred that he should remain there until he was taken to a better world. With regard to the other question of his hon. Friend, the Vote to Mr. Ross for his very valuable *Parliamentary Record* was the result of an agreement, and it would in future be included in the Stationery Vote. He could not hold out any hope of extending the Vote in the same direction to *Hansard.*

Vote *agreed to.*

House *resumed.*

Resolutions to be reported *To-morrow;* Committee to sit again upon *Wednesday.*

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL—[BILL 15.] COMMITTEE.

(*Sir Thomas Chambers, Mr. Morley, Mr. Leith.*)

Order for Committee read.

LORD HENRY SCOTT, who had given Notice of his intention to move—"That the Committee be postponed till Monday 17th March," expressed a hope that the hon. and learned Gentleman (Sir Thomas Chambers) who had charge of the Bill would not think he was taking an unparliamentary course in doing so, especially as this stage of the Bill was proposed to be taken so soon, he might say so suddenly, after the second reading, and in so thin a House. It was well-known that at this early period of the session hon. Members did not attend to their duties with the same zeal which they displayed at a later period. He was not disposed to find fault with the hon and learned Gentleman for the course he took. It was a golden opportunity, and he was quite right to take advantage of it if he could. At the same time he thought a Bill of this importance should receive due consideration in Committee, especially after the small majority obtained on the second reading. The more he looked at the Bill the more important it appeared to be; and his belief was, if it became law, in a very few years they would have another Bill for legalizing marriages within other degrees of affinity. It would be impossible to stop at this degree of affinity; further relaxations would certainly follow. He knew that there was a clause which provided that the sanctioning of these marriages retrospectively did not affect any existing title to property; but if they once legalised these marriages it would seem invidious to shut out the issue of past marriages of this kind from all the rights to which legitimacy entitled them. This, if the Bill passed, would probably be attempted in a few years hence. Again, there was a question in regard to the clergy. He knew that this Bill did not go beyond allowing marriages before a registrar, but the hon. and learned Gentleman who had charge of it would not pretend to say that a claim might not afterwards be made that these marriages should be solemnised by the clergy. The measure was opposed to the Christian law, and he believed that if it were fully discussed in Committee they might come to a different conclusion than they had done. He objected to any infringement of the old Christian law that man and wife being one flesh, the relations of the one became the relations of the other; and had there been a larger attendance he should have hoped for a reversal of the decision given on the second reading. He could not, however, blame the hon. and learned Gentleman for availing himself of the opportunity of forwarding the measure a stage, and he would not press his proposal for postponement to a division but would content himself with uttering a protest against so important a Bill being hurried through so early in the Session, when many hon. Members opposed to it could not attend.

Mr. COLLINS thought his noble Friend had exercised a wise discretion in not pressing the Motion to a division, and he advised the hon. Member for Kent (Mr. J. G. Talbot) to take a similar course. The question raised by the Bill was a very serious one—namely, whether they were for the first time in the history of England to sanction retrospectively the conduct of those who had broken the law. He did not like discussing such a question at all, and it could not be usefully discussed in a House with barely a quorum, and in the general absence of lawyers and Cabinet and ex-Cabinet Ministers. No man disliked the measure more than he did, but at the same time he would permit it to go with all its sins and imperfections upon its head, and receive that condemnation which he hoped it would meet with in "another place."

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Marriage between a man and his deceased wife's sister not void or voidable).

Mr. J. G. TALBOT moved to omit the word "heretofore," in line 8, and said that the object of his Amendment was to deprive the Bill of its retrospective action. He had always imagined that the House of Commons had acted on the principle of upholding the justice and dignity of the law, and of making offenders against the law feel that if they broke it with their eyes open they would have to bear the consequences. He could understand difference of opinion on the marriage law itself. He had heard it stated that there should be no law on the subject, and that a man should be allowed to marry whom he liked, trusting to his natural sense of decency and propriety to keep him from going astray. But what he wished to point out was that, if this Bill passed, persons who had broken the law would be made *ex post facto* innocent. The Bill did not logically follow out its own principle, and the supporters of the Bill were not consistent. They proposed to legalize these marriages; but they did not propose to give to the issue of them all the rights to which, if the marriages had been lawful from the beginning, they would have been entitled. He avowed his conviction that should the Bill succeed it would soon be followed by another to do away with all prohibited degrees, and make the clergy, against their will, marry people to their deceased wife's sisters, although in this Act the ceremony was only to be performed by the registrar.

Mr. M. CHAMBERS supported the clause as it stood, but at the same time stated that he had no great affection for the measure. After all, this was only doing for the people at large what Lord Lyndhurst did not scruple to do for a certain great peer, going to the length of declaring all such former marriages lawful, but forbidding any new ones within the prohibited degrees from being contracted in the future. If these marriages were to be good for the future they ought to be good for the past, and he could not help thinking that if this Bill were to pass it should be made retrospective and retro-active as well as operative for the future.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Remaining clauses *agreed to.*

Bill *reported,* without Amendment; to be read the third time upon *Thursday.*

REGISTER FOR PARLIAMENTARY AND MUNICIPAL ELECTORS BILL.

LEAVE. FIRST READING.

Mr. HIBBERT (for Mr. Attorney General) rose to move for leave to bring in a Bill, which stood in his hon. and learned Friend's name, "to provide for the formation of one Register for Parliamentary and Municipal Electors, and for making the changes necessary in consequence in the Law relating to Parliamentary Electors and Burgesses, and for the better prevention of frivolous objections." The Bill did not make any change either in the Parliamentary or in the municipal franchise, but it proposed that there should be two columns on the register, the one showing a list of Parliamentary, and the other a list of municipal, voters. To meet the difficulty which would arise owing to the municipal elections occurring on the 1st of November in each year, whereas the Parliamentary list did not come into operation till the 1st of January, his hon. and learned Friend had been obliged to put forward the preparation of the register 37 days in every particular, and the rates would have to be paid 37 days earlier. If that were carried out, the municipal elections would be held, as at present, on the 1st of November, and the Parliamentary list would also come into operation on the 1st of November in each year. In fact, both lists would come into operation at the same time. For the better prevention of frivolous objections, the Bill sought to apply the same principle as was now applied to the county register—that was to say, when an objection was taken to a voter, the ground of the objection would have to be stated. Another alteration proposed by the Bill was that if the person raising an objection failed to make it good he would be compelled to pay a certain amount of costs. The desire of the Government was to improve and economize the preparation of the Parliamentary and municipal register, and to make the position of a voter in large towns much more agreeable than it had been for many years past. He begged to move for leave to bring in the Bill.

LORD ROBERT MONTAGU thought the part of the Bill which dealt with frivolous objections might be very good, but that there was not the slightest advantage in putting forward the dates in the Acts relating to the Parliamentary franchise 37 days, in order to make the calendar for the Parliamentary and the municipal register tally if he did not also alter the county register,—as he presumed, from the title of the Bill, was not to be done. He thought that it was a mistake to make the dates for the Parliamentary register in boroughs and counties to become different. He suggested also that the Attorney General should by his Bill make one register serve not only for Parliamentary and municipal voters, but also for Poor Law union voters. He could not help thinking that the franchise would be more or less affected by the proposed alteration in the law, and he hoped to have some explanation upon that point. For example, it had been enacted that when a person has a property which gives a qualification for both the county and borough franchise, then he shall only have the borough vote. Now, suppose that, in consequence of putting the dates earlier in a borough, such a person had not been in occupation long enough to gain the borough vote, but yet long enough to be put on the county register, (which is 37 days later); then that person would have the county vote in one year, and the borough vote every year after. He must remark, also, another blot; women, having the municipal franchise, would appear on the register with Parliamentary voters. This would give the women's suffrage agitators a great advantage.

MR. BRAND said, he knew one large borough where 3,000 objections to voters had been withdrawn; and Parliament having given the working classes the right to the franchise, every opportunity should be afforded them of exercising their right, without unnecessary obstacles being allowed to stand in their way.

MR. HIBBERT said, he could not answer the noble Lord, owing to his not having been provided with the necessary papers. The question of providing a list for Parliamentary, union, and municipal voting had been maturely considered; but great difficulty was found in the way to accomplish this object, which difficulty, he thought, would not apply to the list which this Bill advocated. Every facility would be given for amending the Bill in Committee.

Motion *agreed to*.

Bill to provide for the formation of one Register for Parliamentary and Municipal Electors, and for making the changes necessary in consequence in the Law relating to Parliamentary Electors and Burgesses, and for the better prevention of frivolous objections, *ordered* to be brought in by Mr. ATTORNEY GENERAL and Mr. HIBBERT.

Bill *presented*, and read the first time. [Bill 66.]

GENERAL VALUATION (IRELAND) BILL.

LEAVE. FIRST READING.

Mr. BAXTER, in moving for leave to bring in a Bill "to amend the Law relating to the Valuation of Rateable Property in Ireland," pointed out that the valuation of town land in that country was commenced in 1826 solely for the purposes of grand jury assessment. Subsequently a general valuation became necessary, and an Act with that object was passed in 1846, which itself was amended by that of 1852, which introduced a new form of valuation, having regard not only to local assessments, but also to Imperial purposes. Now, it so happened that the valuation of the Southern and Western counties of Ireland was made when prices were exceptionally low—that was to say, during and immediately subsequent to the great famine year 1847. Not only, he might add, were prices low, but taxes were exceptionally high, and the consequence was that the provinces of Leinster, Munster, and Connaught were valued at far less than they ought to have been —at far less than the great northern Province of Ulster, the valuation of which was completed in 1866. As a natural result all who were interested in property in the North of Ireland complained very justly that while their land was valued at about the proper rents and they paid their fair share of Imperial taxation, the lands in the South and West were valued at a time when rents were low, and that they were, consequently, relieved from a considerable proportion of their proper assessment. The present valuation of the whole of Ireland, he found, amounted to £13,769,806, and it was calculated that under a new valuation that amount would be increased to £16,730,483, or by an amount very little short of £3,000,000. How much that increase would add to the amount of Imperial taxation it was easy to calculate. It was estimated that the cost of the proposed valuation in the 23 counties of Leinster, Munster, and Connaught, exclusive of Ulster, would amount to £70,000, and it was proposed that it should be undertaken with as little delay as possible and concluded in seven years. It was further proposed under the Bill that those counties should pay something like half the expense, just as they at present paid half the cost of a revision, and in order that the sums to be paid might not be left undetermined and liable to dispute, it was proposed that there should be a fixed sum not exceeding the sums specified in the schedules annexed to the Bill. It was at one time proposed that something should be done with regard to exemptions from taxation in the Bill; but inasmuch as the subject was one which would be dealt with in another Bill for the country at large, it was resolved not to insert any provision with respect to it in the present measure. He begged to move for leave to introduce the Bill, and to express a hope that he would have the assistance of Irish Members, as well as of the House generally, in passing it, for he believed the result would be found as beneficial as the valuation of Scotland, which took place 20 years ago.

The O'CONOR DON said, he did not then rise to oppose the introduction of the Bill, but to refer to one or two errors in the statement of the hon. Gentleman the Secretary of the Treasury, with regard to the past valuations of the south and west parts of Ireland. There was one in 1826, and a second under the 9 & 10 *Vict.*, which was passed in 1846; but, after costing the country a large sum of money, the valuation of not one single county had been issued. It was a mistake to say that the existing valuation of Ireland was made during the famine years when prices were very low and the country was in a state of comparative disorganization. He admitted that a new valuation of Ireland was necessary, and he rose chiefly to point out that this was a question which affected everyone connected with land in Ireland, and that it was not a measure to be hurried through the House or passed during the small hours in the morning. He hoped the hon. Gentleman would allow a sufficient time to elapse to enable all who were interested in this question thoroughly to examine the details of the Bill before it came on for its second reading, and that the second reading would be fixed for a day when there would be ample time to discuss it. He thought that on the second reading he should be able to show that the Valuation Department of Ireland was not fit to be entrusted with this important work, and unless his hon. Friend included in his Bill a thorough reorganization of that department, the measure would not give satisfaction, and he should give to it his determined opposition. He trusted that no action would be taken under the measure until the Royal Assent had been given to it.

MR. SYNAN regarded this Bill as calculated to benefit the Treasury rather than the taxpayers of Ireland, and therefore thought that the expense of the proposed new valuation should be paid out of the Imperial revenue rather than by the Irish taxpayers. There was no necessity for the Bill for local taxation, because whether the valuation was high or low the same amount would have to be levied. He thought the Government ought to state who would conduct this valuation, and how it would be conducted, and whether it was to be a *bonâ fide* valuation which would be serviceable with reference to the sale of land and the fixing of rents. If it was to be a valuation of that sort the ratepayers of Ireland would not object to pay a little for it; but if the object of the valuation was to increase the Imperial taxation, the Government ought to pay for it.

MR. BAXTER thought the requests made by the hon. Member for Roscommon (The O'Conor Don) were reasonable. The Government would consult the convenience of the hon. Gentleman and of other hon. Members with reference to the second reading, but he would then fix it for Thursday week. He had no hesitation in saying that no step for the revaluation of any portion of Ireland would be taken under the Bill until it had received the Royal Assent. With reference to the hon. Gentleman who had last spoken, he (Mr. Baxter) had distinctly stated that what the North complained of was that they paid a larger portion than they ought for Imperial purposes. The object of the Bill was to provide a just and sound valuation for the whole of Ireland, not merely for Imperial purposes, not merely for local purposes, but for purposes connected with the land, and for other similar matters as well. A similar Act was passed for Scotland in 1853, and the taxpayers in the towns and counties of that country paid every shilling of the expense.

Motion *agreed to*.

Bill to amend the Law relating to the Valuation of Rateable Property in Ireland, *ordered* to be brought in by MR. BAXTER and The Marquess of HARTINGTON.

Bill *presented*, and read the first time. [Bill 64.]

WEST AFRICAN SETTLEMENTS.

Address for "a detailed Return of the Revenue and Expenditure of the British West African Settlements, including Sierra Leone, Gold Coast, Cape Coast, Gambia, and Lagos, for the three years ending the 1st day of January, 1871, 1872, and 1873."—(*Mr. M'Arthur.*)

THAMES EMBANKMENT (LAND) BILL.

On Motion of MR. CHANCELLOR of the EXCHEQUER, Bill to authorise the acquisition and appropriation by the Metropolitan Board of Works of certain Land reclaimed from the River Thames, in pursuance of "The Thames Embankment Act, 1862," *ordered* to be brought in by MR. CHANCELLOR of the EXCHEQUER and MR. BAXTER.

Bill *presented*, and read the first time. [Bill 65.]

CUSTODY OF INFANTS BILL.

On Motion of MR. WILLIAM FOWLER, Bill to amend the Law as to the Custody of Infants, *ordered* to be brought in by MR. WILLIAM FOWLER, Colonel LOYD LINDSAY, MR. LOPES, and MR. MUNDELLA.

Bill *presented*, and read the first time. [Bill 67.]

MARRIAGES (IRELAND) BILL.

On Motion of MR. PIM, Bill to amend the Law relating to Marriages in Ireland in certain cases, *ordered* to be brought in by MR. PIM, MR. HEYGATE, and Sir ROWLAND BLENNERHASSETT.

Bill *presented*, and read the first time. [Bill 68.]

House adjourned at
Nine o'clock.

HOUSE OF LORDS,

Tuesday, 18th February, 1873.

MINUTES.]—PUBLIC BILL—*Second Reading—Referred to Select Committee*—Regulation of Railways (Prevention of Accidents) (23).

REGULATION OF RAILWAYS (PREVENTION OF ACCIDENTS) BILL—(No. 12.)

(*The Lord Buckhurst.*)

SECOND READING.

Order of the Day for the Second Reading read.

LORD BUCKHURST, in moving that the Bill be now read the second time, said, he had to apologise to their Lordships for bringing in a Bill the introduction of which ought to have been in abler hands, but the great importance of the subject, and its close connection with the public interests, would insure its ample consideration by their Lordships'

House. From the year 1830, when Mr. Huskinson lost his life on a railway—railways being in their infancy in those days—accidents had formed no inconsiderable portion of the railway history of this country. The subject of railway accidents was one of daily increasing gravity, because railways had become the highways of the country to so large an extent that locomotion without them was almost an impossibility. In the year 1858 the number of railway passengers carried in the year was 170,000,000; in 1871 the number was considerably over 300,000,000. But besides the great increase in the traffic there was another element which had to be considered in connection with railway accidents—namely, the growing tendency of railway companies to unite and amalgamate. About 15 years ago there were upwards of 200 different railway companies in this country, but now the number was reduced to about 100. Of 15,000 miles of railway no fewer than 9,000 were worked by 28 railway companies. As an example, he might mention that the London and North-Western and the Lancashire and Yorkshire Companies were now united for working purposes. These two companies had a capital of over £70,000,000 and a revenue of £9,000,000. They had 2,000 miles of railway, and the last annual account showed, he believed, that in one year they carried more than 40,000,000 of passengers over their lines. He did not mean to say that great advantages might not arise in some cases from the amalgamation of railways, but, looking at the vast amounts of capital and revenue, such as those to which he had referred, and to the vast number of passengers carried by some of those amalgamated companies, he thought there was need of some Parliamentary interference for the better security of the public. The Bill which he had laid on the Table of their Lordships' House, and of which he now moved the second reading, proposed such interference. It proposed to deal with the class of accidents which were the most numerous and more fatal than any others—he meant those caused by collisions of trains. The number of collisions and of accidents by collisions was shown by the Reports of the Inspectors of the Board of Trade to be larger by far than those of any other class. In 1871, out of 159 accidents which were subjects of inquiry by the Board of Trade, 93 were collisions. That was nearly three-fifths of the whole number. Of those, 53 were from defective signals or defective point arrangements, and 32 from the want of a sufficient interval between trains following one another on the same line. The same statistics showed that in 1870 out of 131 accidents 79 were from collisions. The Bill proposed the universal adoption of certain mechanical and other appliances which experience had shown to be an almost perfect means of preventing accidents on the lines in connection with which they had been worked. The Bill proposed for all new railways the adoption of "the telegraph block system," which was intended to secure intervals of space between trains following one another on the same line. By having signal-boxes along the line with telegraph communication between them, precautions were taken to secure any two trains from being at the same moment on the same line between any two of those signal-boxes. The other mechanical contrivance which the Bill would enforce was that of interlocking points and signals, the effect of which was to prevent accidents from a wrong point being moved. If the point moved were the wrong one, a danger signal would at once be shown. For many years this system had been worked on the South-Eastern line, and experience had proved it to be most efficacious in the prevention of accidents. After a certain time—the 1st January, 1878—the provisions of the Bill were to apply to all railways whether constructed before or after that date. It might be said now as it had been before, that it was better to leave such improvements to be carried out by the railway companies themselves. He admitted that on the face of it there was an appearance of truth in that argument; but when he looked to what had occurred in the past, and to what was going on at the present time, he confessed that it was an argument which had very little weight with him. It should be borne in mind that it was now nearly 20 years since the telegraph block system had been adopted on some lines; and in 1854, in consequence of the manner in which it was found to have worked, the Board of Trade, after Reports made to them by their Inspectors, sent a circular to all the railway companies recommending to them the adoption of this system in the working of their lines. A similar circular was, he believed, sent out in 1868, and a third one in the succeeding year, to the same effect. But a Return, laid on their Lordships' Table last Session, showed that out of 15,000 miles of railway in the United Kingdom only some 4,500 miles were worked on the block system. That was the result of leaving this improvement for 20 years to be adopted at the will of the railway companies themselves. It further appeared, from the same Return, that on only 187 miles was that system in progress of completion. He was willing to make allowance for the great difficulties against which railway boards had to contend—he was aware that it was impossible for them at a given moment to effect all the improvements that they might consider desirable; but he thought that in this matter more might have been done and ought to have been done to insure the public safety. No doubt, the object to be kept in view in Parliamentary legislation should be to interfere as little as possible with railway management. By an Act passed in 1840 the Board of Trade had powers given to it to make inquiries and obtain Returns respecting railway accidents. Another Act was passed in 1842 conferring on the Department additional powers—or rather requiring the railway companies themselves to send in Returns of the accidents which happened on their lines. Under these Acts also, Inspectors were appointed who had collected much valuable information, and had made most valuable and able Reports. But what had been the result of all these inquiries and Reports? Nothing at all. The Board of Trade could make suggestions, the Inspectors could advise the adoption of certain appliances to insure public safety; but beyond that they could not go. The boards of directors, as shown in their published Reports, seldom, if ever, entertained the question of public safety. He was quite aware that the boards of directors represented the interests of the shareholders; but they ought to look to the interests of the public as well as to those of the shareholders. There were above 48 Members of their Lordships' House who were directors of railways, and he would put it to them that though the block and interlocking systems might involve considerable expense, yet it was not such as to be beyond the reach of railway companies. When this question of expense came to be considered, regard should be had to the enormous sums now paid by companies by way of compensation for injuries to passengers and damage to goods. In 1870 the amount of compensation paid for such accidents amounted to £440,000 or thereabouts, and it reached nearly the same figures in the following year. It must be remembered that the amounts so paid were exclusive of the loss the companies sustained from the damage inflicted on their own property. It was calculated that the railway companies throughout the country paid annually something like £500,000 for compensation and damages. He would now leave the matter in their Lordships' hands, and conclude by moving the second reading of the Bill.

Moved, "That the Bill be now read 2^a."—(*The Lord Buckhurst.*)

EARL COWPER said, he concurred in a great deal of what had been said by the noble Lord who moved the second reading. He agreed with him that it would be very desirable to adopt the system of interlocking points and the block system, if not universally, at all events more generally than they were adopted at present. But he was not prepared, and he thought their Lordships would hardly be prepared, to pass so stringent a measure as that now under discussion without further inquiry into the matter. The noble Lord had spoken strongly of the laxity of railway companies and of the little progress that had been made in introducing the interlocking and block systems since their merits had become known. It was true that very little had been done, taking the whole period of the 20 years referred to by the noble Lord; but during the last few years a great deal more had been accomplished than had been done before. Within the last few years railway companies had been giving their attention to improvements, and were very cordially adopting them. The figures 4,500 as the mileage on which the block system had been adopted out of the whole mileage of 15,000 miles scarcely conveyed a fair idea to their Lordships of the actual extent to which the improvement had been carried, because its adoption had been on the most crowded lines, and many of those on which it was not in use were lines with so small a number of trains that the expense of carrying out such a system would scarcely be justified by the advantages. It did entail very great expense and trouble. In some cases, Parliamentary powers for the compulsory acquisition of land would be required before the necessary appliances could be fitted up. The noble Lord had alluded to the objection with respect to Parliamentary interference with railway management. He (Earl Cowper) thought that Parliamentary interference not only with railways but with all other matters ought to be jealously watched; and he was glad to perceive that the old-fashioned plan of letting things alone was again becoming more popular. He did not object to the principle of the Bill, because he wished to encourage the block and interlocking systems; but to say that within five years every railway must adopt these plans was a length to which he was not prepared to go. He would not oppose the second reading if the noble Lord consented to refer the Bill to a Select Committee.

An Amendment *moved* to leave out ("now") and insert ("this day six months.")—(*The Earl Cowper.*)

The Earl of ABERDEEN said, that the official statistics prepared by the Board of Trade showed that nearly one half the accidents which had occurred on railways since the beginning of the year 1871 might have been prevented by the adoption of the block system, and of the apparatus for interlocking points and signals. He ventured to hope that the introduction of these mechanical appliances would be attended with considerable advantages to railway servants as well as to the travelling public, because not only would it render them less likely to inflict injuries either on passengers or themselves, but their opportunities of performing their duties were improved when the system which they had to carry out was a certain and fixed one. To take an illustration—there was an irregular practice in connection with goods traffic on railways known as "fly-shunting." It was attended with much more danger than the orthodox plan of shunting; but by means of it a greater amount of work could be got through, and therefore it was had recourse to, though nominally it was forbidden by the rules of the companies. If a railway servant was injured by this fly-shunting the directors were able to refuse him compensation on the ground that he had sustained the accident while breaking the rules of the company; but the rule in this case was broken with the knowledge of the man's superior officers, because, without breaking it, the servants could not perform their work. Captain Tyler reported that while many accidents were caused by the carelessness of railway servants, a larger number were the result of the want of proper appliances by which they might be avoided. As this Bill appeared to be a step in the right direction, he hoped their Lordships would read it a second time.

Lord HOUGHTON said, he was always glad when he found their Lordships initiating matters not connected with politics, and he was particularly glad when he found young Members of the House—and particularly those who like the noble Earl who had just spoken inherited historic names—making themselves useful in matters which they considered advantageous to the country. But he thought the Bill now before their Lordships was one that the House could scarcely proceed with conveniently at the present moment — more especially as there was a general measure on the subject of railways being hurried through the other House. He hoped that before Monday the representations to be laid before the Government in respect of that Bill would cause them to change their minds; but he submitted that a measure such as the one now before their Lordships could not be conveniently dealt with in the hands of a private Member. A Select Committee on the Bill would have to go to the very bottom of the subject, and investigate not only the block system, but all the systems for preventing railway accidents which mechanical inventors had brought before the world. For this an amount of scientific knowledge and special information would be required such as it was hardly to be expected their Lordships would have in a Select Committee. He had several objections to the Bill, both in principle and detail. He objected to it in principle, because it endeavoured to lay down hard and fixed rules which would make the block system obligatory on lines where there were only two or three trains a day, and where it would be superfluous and of no use. No doubt if the block system were generally adopted it would diminish the number of accidents, and the amount of money paid by way of compensation for accidents; but did the noble Lord (Lord Buckhurst) suppose that the railway directors would not have adopted it if on full consideration they had not found there were not serious and substantial objections to it, if, as they believed, the English people wanted frequency and celerity of trains? If the English people chose to have all the trains, including the expresses, slow, and to have comparatively few trains, no doubt they might have an almost complete immunity from railway accidents. But he believed that was not what the English people wanted. He believed they were well satisfied to run a small risk of accident for the great convenience of frequency and celerity. Taking the enormous amount of traffic, the extent of mileage, and the vast number of passengers carried, he believed the comparative success in avoiding accidents was beyond what the most sanguine railway authority could have hoped for. He had heard of a calculation which showed that their Lordships were in a safer condition with regard to the average duration of their lives on railways than they would be were they continually sitting on the benches of their Lordships' House. Taking a given number of people pursuing the ordinary avocations of life, the percentage of accidents to them would be greater than that of accidents to the same number of persons travelling by railway. He thought his noble Friend on the cross-benches (the Earl of Aberdeen) had called the attention of their Lordships to a very serious matter, and one that should engage the attention of all the persons connected with the management of railways—and that was the degree of responsibility to be attached to the officials; and he was bound to say that, in his opinion, they would not secure a better action—a better general action—on the part of railway servants by strictly tying them down to the observance of strict mechanical rules. They must permit a certain freedom of action to railway officials—you must raise them above the level of machines, and make them responsible for a judicious exercise of their powers—and to do this they must select the railway servants from a better class than was the case at present. Taking into account the infirmity of all human tribunals, he did not hesitate to say that the railway directors of this country were a wonderful body of men. For a small amount of remuneration they discharged with superior intelligence duties not less onerous than those performed by any other men in England. He objected to this Bill both as to its principle and its details, and he hoped their Lordships would not proceed with it. He should support the Amendment.

THE DUKE OF RICHMOND said, he rather gathered from the whole tenor of the speech their Lordships had just heard, that the noble Lord himself (Lord Houghton) was one of that wonderful body of men—the railway directors of this country. Up to that day he had always thought the House of Lords a tolerably safe place; and he certainly was rather astonished to hear from the noble Lord that their Lordships when sitting in railway carriages were safer than when seated in that House. What effect the noble Lord's speech might have he did not know. He had always listened to his speeches with respect; but he began to think that, perhaps, speeches might have something deleterious in them. As to the Bill before the House, he thought everything that had been said showed the wisdom of the suggestion of his noble Friend opposite (Earl Cowper), that it should be read a second time and referred to a Select Committee. He could not agree with the noble Lord who had just spoken (Lord Houghton), that the Bill was one which ought not to have been introduced by a private Peer because of the measure which had been introduced into the other House by the President of the Board of Trade, and which had been pushed forward, according to the noble Lord, with such indecent haste as to cause him consternation. That measure did not deal with railway accidents; and he thought that the excellent Reports of the Board of Trade Inspectors showed that many of those accidents might be prevented by the use of appliances such as those proposed in this Bill. The noble Lord said that the English people did not want the block system because they wished to travel fast, and the block system would prevent them from travelling fast. But that was just one of the questions which a Select Committee would consider. It appeared to him that a Select Committee of their Lordships' House would be one of the best tribunals to whom the consideration of such questions could be referred. Before such a Committee the noble Lord, and those who thought with him, could show all the alleged disadvantages of the block system. He believed the railway directors themselves admitted that the system was in the main a good one, and that it ought to be adopted whenever its adoption was reasonably possible; and in reference to the remark of his noble Friend behind him (Lord Buckhurst), that boards of directors seldom entertained the question of the public safety, he wished to say that he thought that was a mistake. When he was at the Board of Trade he had always found those gentlemen desirous of considering any plans which might be put before them for the promotion of the public safety. He was prepared to support the Motion for the second reading, and to act on the suggestion that the Bill should be referred to a Select Committee, so as to make it as perfect a measure as possible.

The Marquess of BATH thought that a Select Committee on this subject would be of no use unless it was a strong one. If the Bill were referred to a Select Committee there ought to be an understanding that some Member of the Government and some noble Lords who were railway directors would serve on it, and that the Committee should have the advantage of hearing evidence from railway officials and officers of the Board of Trade.

Earl GREY said, he could not help thinking that if the subject of railway management were to be inquired into by a Select Committee, the entire subject should be investigated. He could see very little advantage likely to arise from sending to a Committee a Bill which dealt with certain and particular questions only connected with a very great and important subject. He very much doubted whether the subject admitted of being thus broken up into detail. On the other hand, he must, in the strongest manner, protest against the high eulogium which his noble Friend (Lord Houghton) had passed upon the management of railways by the directors of the various companies. It was one which the existing state of things did not justify. They had in the proceedings of the boards only another proof that corporations had no souls. They did, as corporations, things which they would not do or sanction as individuals. He did not say that they wilfully exposed their fellow-countrymen to risk of their lives; but he was afraid that, in order to secure the favour of their constituents, or for the purpose of increasing dividends, railway directors very often adopted a very dangerous system of management. Experience showed that in too many instances the existing system was lax, and required interference on the part of Parliament for the protection of the public. It was not in one or two cases, but habitually the practice of railway directors to issue excellent regulations and then to wink at their being set aside; and that, in fact, was the origin of a large number of the accidents which occurred. Cases had arisen within the last few months which clearly showed that serious calamities were traceable to the overworking of railway officials. For the sake of effecting small savings and keeping up dividends, railway directors frequently and obstinately resisted the adoption of suggestions made to them from the Government Department specially charged with that duty. These things were perfectly notorious, and, being so, required the interference of Parliament. At the same time, he thought there was much force in what had been stated by the noble Marquess (the Marquess of Bath), that a Select Committee on this particular Bill was not the way to deal effectually with the great evil which they all desired to remedy.

The Earl of CARNARVON agreed with the noble Earl who had just spoken (Earl Grey) that it was not desirable as a general rule to deal with one part only of a great question. On the other hand, they should bear in mind that they had a very long experience of what Government measures on great subjects were, and the delay and difficulty which intervened before those measures actually became law. In a case like the present, he thought that Parliament was entitled to deal with one part of the subject, apart from the question of railway management generally. It would appear that the block system was an excellent one and might be largely extended, and the matter was of such great public importance that he thought it might well be referred to a Select Committee. No doubt evidence would have to be taken and a scientific inquiry entered into; but during the last few years several cases had occurred in which Select Committees had usefully discussed and investigated questions of that nature. He was not himself a railway director, and therefore could not speak with information of their proceedings, or in the rosy colours which had been used by the noble Lord opposite (Lord Houghton). At the same time justice ought to be done to them as to everyone else, and he for one did not think they were open to the charges which were often made against them. During the debate he had extracted from a Blue Book figures which showed that there existed in the public mind considerable misapprehension as to the amount and character of railway accidents. It was far from his desire to relieve railway directors of the just burden of responsibility which rested on them; but, at the same time, he was bound to say that the number and character of accidents on railways were not as great or as grave as was generally supposed. In the last Return from the Board of Trade he found that the number of passengers carried during the year was, in round numbers, 375,000,000, and that of those the killed amounted to only 404, or 1 in 6,500,000. It was, too, a gratifying fact that for years and years past there had been an annual diminution in the number of passengers killed in proportion to the number carried. Without going through each successive year, he would merely state that from 1847 to 1849 the number of passengers killed was 1 in something less than 5,000,000, as compared with the number he had before stated as the return for last year. So that although speed had undoubtedly increased, although the number of passengers had enormously increased, although railway traffic of all kinds had increased in what he must call a dangerous proportion, still the number of deaths from railway accidents had greatly diminished. There was, however, another fact which was of a very grave character — namely, that while the number of accidents to passengers was comparatively small, the number of accidents to railway servants was enormous. There were, he believed, on all the railways about 200,000 officials, and the number killed was 1 in 900. That was a most serious matter, and one which threw a heavy responsibility on railway directors who allowed their officers to be overworked, and imposed upon them duties which it was beyond the strength of man properly to accomplish.

Earl GRANVILLE said, he agreed with very much that had fallen from the noble Earl who had just spoken. He could not but think that while the whole system of railway management, from the beginning to the end, might be a very proper subject of inquiry, the question how far particular mechanical contrivances could usefully be adopted might very well be separately investigated. He hoped, therefore, the Bill would be read a second time and referred to a Select Committee.

Lord BUCKHURST stated, in answer to the remarks of the noble Lord opposite (Lord Houghton), who had urged against the use of the block system the argument that it would prevent celerity and frequency of trains, that on no line were trains more frequent than on the Metropolitan Railway, and yet it would be impossible to work that line without the block system. He was glad to find that the Bill would not be opposed, and that there was, as he hoped, a fair prospect of carrying it into law during the present Session.

On Question, That ("now") stand part of the Motion? *Resolved* in the *Affirmative;* Bill read 2ª accordingly, and referred to a Select Committee.

And on Friday, February 24, the Lords following were named of the Committee:—

Ld. Privy Seal.
D. Somerset.
M. Salisbury.
E. Devon.
E. Cowper.
E. Vane.
V. Gordon.
L. Colville of Culross.
L. Vernon.
L. Wharncliffe.
L. Belper.
L. Houghton.
L. Buckhurst.

House adjourned at half past Six o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 18*th February*, 1873.

MINUTES.]—Select Committee—Civil Service Expenditure, *appointed;* Imprisonment for Debt, Mr. Locke *discharged*, Mr. Cross, Mr. Cawley, Mr. Baines, and Mr. Richard Shaw *added.*

Supply — *considered in Committee* — *Resolutions* [February 17] *reported*—Supplementary Estimates.

Public Bills—*Ordered*—Settled Estates *.

Ordered — *First Reading* — Defamation * [70]; Minors Protection * [69].

Second Reading—Vexatious Objections (Borough Registration) [37].

Committee—Report—Epping Forest * [39].

Withdrawn—Tribunal of Commerce * [57].

SOUTH KENSINGTON—NATURAL HISTORY MUSEUM.—QUESTIONS.

Mr. SCLATER-BOOTH asked the First Commissioner of Works, Whether a contract has been entered into for the construction of the Natural History Museum at Kensington; and, if so, how many persons were invited to compete and what is the amount of the tender accepted? He also inquired whether the Government intended to introduce any measure for the removal of the collection?

Mr. AYRTON, in reply, said, it was always the object of the Office of Works to invite persons to tender who were disposed to do so, and to have as many tenders as possible for an important work. In that case 21 persons had been invited to send in tenders, but only 17 had complied with the request. The original tenders sent in were all very much in excess of the sum which it was determined to expend on that building. The matter was therefore referred back to the architect for further examination, and ultimately a contract was entered into with a firm for £352,000; but in addition to that there would be other sums which would bring the entire amount up to the sum named in the Estimates. He was not aware that it was the intention of the Government to introduce such a Bill as the hon. Gentleman alluded to in the present Session, because the Museum could not be removed until the building was completed, and the time allowed for its construction was three years.

ARMY—MILITIA STOREHOUSES. QUESTION.

Lord GEORGE HAMILTON asked the Secretary of State for War, Whether, under an Act of last Session, he has not the power to purchase all Militia Storehouses required by the Crown, and whether at the present moment certain Storehouses, utilized by the Crown, in the county of Middlesex, are not maintained by the Ratepayers; and, if so, when will he relieve the Ratepayers from this burden which Parliament at his suggestion has decided ought no longer to be imposed upon them?

Mr. CARDWELL: The Act in question passed at the close of the Session, and no time has been lost in making the local inquiries necessary for carrying it into effect. As soon as possible the several buildings will in each case be either purchased by the Crown or placed at the disposal of the county.

METROPOLIS—HACKNEY CARRIAGES—CABMEN'S PLATES.—QUESTION.

Lord GEORGE HAMILTON asked the Secretary of State for the Home Department, Whether, considering that the Police Magistrates of London do not agree as to the object or intention of the regulation prohibiting cabmen from removing their plates from one hackney carriage to another, he will consider the advisability of rescinding it?

Mr. BRUCE, in reply, said, it seemed that the noble Lord had read the commencement of that controversy, but had not followed it to its close. It appeared that Mr. Arnold had put on that regulation a construction different from that put upon it in some 23 cases by other police magistrates, and at the same time questioned the power of the Secretary of State to make the regulation at all. In consequence of that a consultation was held among the police magistrates, and Mr. Arnold finding that he was the only one entertaining that opinion, and that every one of his colleagues disagreed from him, had the sense and the manliness to declare in open court—and the declaration was reported—that in future he would decide the question in accordance with the decisions given by the other magistrates, and, in fact, submitted his opinion to the general opinion of his brother magistrates.

LORD GEORGE HAMILTON: Then the right hon. Gentleman will not rescind the regulation?

MR. BRUCE: Certainly not; the regulation is a very useful one, otherwise it would not be possible to keep up the cabs to the proper standard.

THE FIJI ISLANDS—BRITISH PROTECTORATE.—QUESTIONS.

MR. M'ARTHUR asked the Under Secretary of State for Foreign Affairs, Whether a Memorial addressed to Her Majesty's Government in 1870, signed by the principal Chiefs of the Fiji Islands and the white residents therein, praying for a British Protectorate, was received by the Foreign Office; and, whether he will lay such Memorial upon the Table of the House, with Copies of any Replies that may have been given to the same?

VISCOUNT ENFIELD: A Memorial in favour of annexation was forwarded from Fiji to Her Majesty's Government in 1870, but it was not thought advisable to reply to it, as the whole question was under the consideration of Her Majesty's Government. Since the date of the Memorial a form of government has been established at Levuka, which it was determined to treat as a *de facto* Government as respects matters occurring within the territory acknowledging its jurisdiction; and as no renewal of the application for annexation has been made, it would appear unnecessary to lay upon the Table the original document, which was compiled under a different state of affairs.

Afterwards—

SIR CHARLES WINGFIELD asked the First Lord of the Admiralty, If he will lay upon the Table Copies of any Instructions that may have been sent to the Naval Officer commanding in the Pacific relative to the line of conduct to be adopted by commanders of Her Majesty's vessels towards the so-called Government of the Fijis?

MR. GOSCHEN replied that there would be no objection to lay upon the Table Copies of those Instructions.

THE SAN JUAN AWARD—RIGHTS OF BRITISH SUBJECTS.

QUESTION.

MR. CORRANCE asked the First Lord of the Treasury, What steps have been, or are being, taken to secure the rights of British Subjects possessing property within the territory recently ceded to the United States, under the Treaty of Washington; and, whether any understanding concerning the naturalization of such persons has been arrived at with the American Government?

MR. GLADSTONE: The hon. Member will excuse me if, in the first instance, I take exception to the terms of his Question, inasmuch as no territory has been, properly speaking, ceded in this case. To cede territory is to pass over from your own legitimate possession some territory into the possession of another Power. Now, the territory we have given over, or retired from, has been determined not to be in our legitimate possession, and therefore it has not been ceded. But I perfectly understand the hon. Member's meaning. Measures have been and are being taken, as far as the occasion demands, for securing the rights of British subjects possessing property in this territory. Before 1846 this territory was held absolutely in common between British and American subjects. Some number—I do not know what number—of British subjects held land in this territory, and they made a request some time ago that the officer who had been in command of the British detachment at San Juan might remain and give evidence as to their possession of the land in a proprietary character; consequently he was directed not to leave San Juan in order that he might readily be summoned if his evidence was required. As to the second part of the hon. Gentleman's Question—namely, whether any understanding concerning the naturalization of such persons has been arrived at with the American Government—I think it is probable the hon. Member may be under a misapprehension on that subject. As far as I am informed by our legal adviser in America there is no question concerning the possession of land in America which turns on the citizenship of the party claiming it. That being so, no question of naturalization need arise at all, according to the best information we have, in respect to this property. There is, however, a great facility in obtaining naturalization in America, and that will be a matter for the consideration of the parties themselves. Their proprietary rights will not be invalidated if they do not think fit to claim naturalization; and if they do claim it, they will have no difficulty in obtaining it. I understand that some of these persons have already obtained naturalization.

ASSISTANT INSPECTORS OF MINES.

QUESTION.

Mr. LIDDELL asked the Secretary of State for the Home Department, If it is true that "Assistant Inspectors" of Mines are about to be appointed by Government; and, if so, under what Act of Parliament such appointments are to be made, and what will be the nature of the duties of such assistant inspectors?

Mr. BRUCE, in reply, said, he was aware of the opinion which his hon. Friend held on the subject, and could assure him that the persons appointed would in all respects be similar to those hitherto appointed, except that they would be younger men. The same Committee in whose Report many improvements in mines were brought under the consideration of the House had recommended that there should be an increase in the number of Inspectors, and the Government had considered how that could be done most effectually and economically. They were of opinion that the best course to take would be to give each Inspector an assistant, having the same sort of qualification as himself, but younger and more active. That was being done, and the examination to which those assistant Inspectors would be subjected would be precisely the same as that which had hitherto been applied to the Inspectors. They would be persons, in short, who, in the event of their distinguishing themselves by their ability and energy, would be fully qualified in their turn to become Inspectors of Mines.

UNIVERSITY EDUCATION (IRELAND) BILL—THE UNIVERSITY COUNCIL.

QUESTION.

Mr. ASSHETON CROSS asked the First Lord of the Treasury, Whether he will lay upon the Table of the House a list of the names of the first Twenty-eight Ordinary Members of the University Council which the Government propose to insert in the Second Schedule of the University Education (Ireland) Bill before the Second Reading of that Bill?

Mr. GLADSTONE, in reply, said, it would not be in his power to lay the names in question on the Table before the second reading of the Bill. The practice had been various as to placing the names of persons about to exercise authority in an Act of Parliament. In the case of the Oxford University Bill the names were introduced at a tolerably early period, and printed on the second reading of the Bill, the functions to be discharged being functions with regard to general principles on which no difficulty was likely to arise, there being no objection, therefore, to ask the persons named, on the introduction of the measure, whether they could consent to act or not. In the case of the University of Cambridge, which was much simpler, the names were printed on the Bill as it was originally introduced. In two other cases which occurred since, in that of the Reform Bill of 1867, the names of the Boundary Commissioners, who had to perform duties which were not perhaps of great difficulty, were not submitted to Parliament till they reached the 24th clause of the Bill in Committee, and in that of the Irish Church Bill the clause in which the names were to be inserted was postponed from the 19th of April to the 4th of May. In the present instance, where the functions to be discharged were of considerable difficulty, the gentlemen whom the Government had solicited, or might have to solicit, to serve on the Council of the University of Dublin might, he thought, fairly ask that the judgment of the House should be pronounced in some of the leading provisions of the measure in Committee before finally committing themselves to serve. The intention of the Government was, therefore, not to lay the names of the Council on the Table until a certain amount of progress had been made in Committee. Reasonable notice, however, would be given as to the names to be proposed.

THE "MURILLO."—QUESTION.

Mr. T. E. SMITH asked the Under Secretary of State for Foreign Affairs, If it is true that the "Murillo" has been released by the Spanish authorities; and, if so, whether on account of its being proved that she had not been in collision with the "Northfleet," or on account of the owners having given security for any damages to which they may be found liable?

VISCOUNT ENFIELD: No information, either by telegraph or otherwise, has been received by the Foreign Office respecting the release of the *Murillo* by the Spanish authorities. I have seen Mr. Bell, the English engineer of the *Murillo,* this afternoon, and he states that, at the time of his leaving Cadiz, there was no question then of releasing the vessel. Of course I cannot undertake to say that the telegram in question was incorrect.

NAVY—THE ROYAL MARINES—RANK OF MAJOR.—QUESTION.

SIR JOHN HAY asked the First Lord of the Admiralty, If it is his intention to restore the rank of Major to the Royal Marines, so as to confer a similar benefit on that Corps to that which has been bestowed on the Royal Artillery and Royal Engineers?

MR. GOSCHEN, in reply, said, that a proposal on the subject was under consideration, and that the Admiralty were at present in communication with the War Office with regard to it; but he was as yet unable to say whether it would be possible to carry the scheme out or not.

HYDE PARK—THE SERPENTINE.

QUESTION.

MR. F. S. POWELL asked the First Commissioner of Works, What is the nature of the works of which a commencement has been made by the construction of an embankment in the Serpentine; and, whether he has any objection to place in the Library plans and drawings in explanation of the designs?

MR. AYRTON, in reply, said, the works being carried on in the Serpentine were not of so formidable a character as they might seem to his hon. Friend to be. They amounted simply to a very economical method of constructing a small island for the protection of the water fowl, which had hitherto fared very badly in that respect.

PUBLIC EXPENDITURE.—RESOLUTION.

MR. VERNON HARCOURT, in rising to move—

> "That the present rate of Public Expenditure is excessive, and that this House desires that it should be reduced, with a view to the diminution of the public burthens,"

said, a Paper had been presented to the House that morning which, although perhaps one of the shortest, was one of the most important Returns which had been or which were likely to be laid before Parliament this Session. It was entitled "The Public Income and Expenditure" of the English Nation for the year ended 31st December, 1872. He found it there stated that the Revenue for the year which was just ended amounted to £77,688,000, which he believed on the highest authority to be the highest revenue which had ever been raised by the English people, he would not say in times of peace, but in times of extremest war. ["No, no!"] Well, his authority was the Chancellor of the Exchequer, who, in 1870, in announcing the revenue as amounting to a little over £75,000,000, stated that it was the largest that had ever been raised from the English people, except during the last three years of the French War, and that was, he (Mr. Harcourt) believed, within £77,000,000. He might be mistaken, but he thought not, and he would take the revenue for the last year for the sake of convenience at £78,000,000, so that small details and figures might be avoided. Six years ago, in 1866, the last year which was illustrated by the financial genius of the right hon. Gentleman at the head of the Government, the revenue of this country reached above £10,000,000 below that sum. These figures, no doubt, required correction. When he said that the revenue for 1872 amounted to £78,000,000, he must point out that of that sum £10,000,000 were derived from sources other than taxation, such as the Post Office, the Miscellaneous Receipts, and matters of account. But what the House had to look to was how much of the revenue was derived from taxation. He found, from the same accounts for the year ending December, 1872, that the yield of taxation was £68,000,000—a sum of money of which the history of foreign nations offered no example, and of which he ventured to think the English people had no former experience. He would state the case as fairly and candidly as he could. That year did not end in December, and the year 1872 would include the proportion of 2*d.* on the income tax, which would come within the year ending March. But they had this fact—that in the year which was just concluded they had raised by taxation from the English people £68,000,000. Now, six years ago, taking the same method of calculation, they raised by taxation in the year 1866 a sum of £60,000,000, or £8,000,000 less than was raised during the year just concluded. Now, if this vast revenue were to yield a great surplus, he should not have had much to say about it. He should have been content to enter his protest, with that of the hon. Member for Brighton (Mr. Fawcett), against the system, by mistaken Estimates, of raising from the country unnecessary taxation. And if they were going to distribute the difference between this enormous revenue and the expenditure, which was not equal to it, in remission of taxation, they might forgive the errors of the past in consideration of the advantage which they were about to derive for the future. But they had had an announcement, unless the reports of public journals were incorrect, that they were to expect no surplus, and that they must anticipate no material reduction of expenditure. He therefore applied himself to these figures by the light of the anticipated Budget. He thought that it must be considered that these matters deeply concerned the House, and it seemed to him that the time had arrived when such a state of things demanded investigation. He should not be unfair in describing the last two years, and, indeed, the year which they were just about to conclude, as years barren—he might almost say disastrous—in their financial history. In some years they had been accustomed to the splendid financial administration of the right hon. Gentleman at the head of the Government, during which they had obtained successive remissions of taxation; but during the last two complete years and the present year they had had scarcely any remission of taxation. Thus, in 1871, the country had had no remission of taxation whatever; but, on the contrary, it had to bear an additional imposition of taxation amounting to £3,000,000. In 1872 the £3,000,000 so imposed in 1871 were taken off; but that could not be called a remission of taxation. In that year there certainly was a trifling —he might almost call it a paltry— remission of taxation to the amount of £500,000, which was due partly to an adjustment of the income tax, and partly to a reduction in the duty on coffee. In the present year a hint had been given to them that as there was not likely to be any considerable surplus, they were not to look for any remission of taxation. In former years taxes were taken off to a great, he might almost say a splendid, extent; and the more taxes were taken off the more the revenue increased, because the irrepressible energy and indomitable industry of the people more than replaced the vacuum made by the repression of taxation. It had been so engrained into the convictions of the people that such was the certain result of the financial system introduced by Sir Robert Peel, and so successfully developed by his successors, that they had received the intimation that no remission in taxation was to be made during the present year with astonishment and disappointment. This matter demanded at the hands of the House of Commons and especially at those of the party which occupied the benches near him investigation in the fifth year of the Parliament which was elected in a large degree on the ground that they should enforce the doctrine of public economy. He should, perhaps, be told he was taking a wrong course in reference to this question, in proceeding by abstract Resolution, and that an abstract Resolution was likely to incur the fate of the dog which had acquired a bad name. He was not aware who had had the ingenuity originally to denounce an abstract Resolution as being an improper mode of obtaining the opinion of the House of Commons upon any particular question; but those who were acquainted with the Parliamentary history of England were well aware that the most important questions had been determined by that House by abstract Resolutions. Abstract Resolutions were, in fact, the landmarks of history. In the course of last Session the hon. Member for Brighton had said that the House would be most ungrateful if it refused to proceed by abstract Resolution, because it had itself been elected by an abstract Resolution of the country with regard to the abolition of the Irish Church. The right hon. Gentleman at the head of the Government took exception to that statement at the time, because he said that that was not an abstract Resolution on the part of the country, because it had been followed by a Bill. But the Bill which was brought in had nothing whatever to do with the Resolution, because it was a mere suspensory measure, which was not brought in until after the election, and a Government was formed which was pledged in an abstract manner to abolish the Irish Church, it being left to the Government to determine the plan by which that object might be carried out. But he did not wish to press that point, and would refer to a matter more germane to the question. In the course of last year the hon. Baronet the Member for South Devon (Sir Massey Lopes) had moved a Resolution, which might be termed abstract, on the subject of local taxation, and that Resolution having been carried by a majority of 100 the Government had recognized the importance of the question and had determined in consequence of that Resolution that a measure dealing with the matter should take its place among those of first importance which they were about to introduce. But that was not all. In 1868 Members of that House had gone to the hustings upon an abstract Resolution against the expenditure of the late Government. When the right hon. Gentleman at the head of the Government and his Colleagues attacked the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) they did not go into detail; they did not say that this or that item was too much; they merely said—"You have increased the expenditure of the country by £3,000,000, and we will go to the country upon that point and will leave it to another Government to show how it should be diminished." During the election the walls had been covered with placards containing abstract declarations against the increase of the expenditure under the preceding Government; and, therefore, he was quite sure that from whatever quarters the denunciation against the method of dealing with public finance might come, they would not come from those who rightly or wrongly were connected with the authorship of those placards. The real objection to abstract Resolutions was not because they were not effective, but because they were too effective. That was the true reason why they would be always denounced by those who opposed the principles involved in them, and why they would be always employed by those who desired to establish those principles. But perhaps it might be said that the proper way of proceeding in this matter was to challenge the Estimates when they were brought forward. He could understand such an argument being used by an enlightened foreigner who had acquired his knowledge of the British Constitution from the pages of Blackstone or De Lolme; but how it could be put forward by any hon. Member of that House he could not comprehend. He tried a little experiment last night to see how proceeding without abstract Resolution would answer. There was an increase for stationery in a Supplemental Estimate of £51,000. He asked his hon. Friend the Secretary to the Treasury what he thought of it. Well, his hon. Friend thought of it as he (Mr. Harcourt) did, that it was extremely excessive and ought to be reduced. "But," said his hon. Friend, "it cannot be reduced now, for although it is called an Estimate, the money has been spent." If that was the case with the Estimates, he thought it was sufficiently shown that the control of the House of Commons over the Estimates was something more than a constitutional fiction—he thought they might almost call it a Parliamentary farce. In 1868, when the expenditure of the Government of that period was severely criticized by the present Prime Minister, the right hon. Gentleman then Chancellor of the Exchequer, the Member for North Northamptonshire (Mr. Hunt), said—"You have no right to criticize our expenditure. You sat in the House for two years and did not challenge these Estimates. You were the Leader of a great party which had a nominal majority in this House, and you ought to have taken care that these Estimates were not excessive, and to turn round upon us now and charge us with having unduly increased the expenditure of the country is unfair." That, he thought, was in substance the reply of the right hon. Gentleman. Well, what was the answer of the right hon. Gentleman at the head of the Government? He would venture to quote the words of the right hon. Gentleman because he believed they contained a true doctrine. He said—

"When the Government, upon their own responsibility, state that certain establishments are necessary for the defence of the country—when, for instance, they propose rapid and wholesale armament, and large additions to the pay of the Army, upon the ground that, in their judgment, the increase is necessary to efficiency—it is quite obvious that such expenditure can be effectually challenged only by those who are prepared to bear the responsibility of the construction that will be put upon their resistance to the measures of the Government; and that construction is, that they propose a Vote of Want of Confidence. No Government could be worthy of its place, if it permitted its Estimates to be seriously resisted by the Opposition; and important changes can be made only under circumstances which permit of the raising of the question of a change of Government."—[3 *Hansard*, cxci. 1747.]

In a further answer to what the late Chancellor of the Exchequer said as to the responsibility of the House in endorsing the Estimates the right hon. Gentleman said—

"To my astonishment the doctrine seems to have been laid down by the Chancellor of the Exchequer that, when once the Estimates have been accepted by independent Members, the House is responsible for them in the same degree as the Ministers of the Crown. It is impossible too emphatically to pronounce against that opinion; it is entirely contrary to the relation in which he stands to the House. The doctrine is monstrous, and is unsupported by the authority of the predecessors of the right hon. Gentleman, whose good sense will convince him that it cannot be maintained. The Government have unlimited opportunities of investigating the Estimates for the expenditure through Departments under the supposed control of the Treasury, and how is it possible that those who have no such power, even if they agree to the Estimates, can be responsible in the same degree as the Government?"—[*Ibid.* 1748.]

They must not be told that the House was responsible for the control of the public expenditure after such an authority as that. The course which he (Mr. Harcourt) was now taking was the only one which ever had been taken or ever would be taken with reference to public expenditure by anyone who had any Parliamentary experience. It was a course which was always taken by the late Mr. Cobden, a course taken by a gentleman who had always been a great authority, and who now, being a Cabinet Minister, was of still greater authority—he meant the right hon. Gentleman the head of the Local Government Board (Mr. Stansfeld). The celebrated Resolution of that right hon. Gentleman was supported, if not suggested, by his right hon. Friend the Vice President of the Council (Mr. W. E. Forster), and was seconded by his hon. Friend the Secretary of the Treasury (Mr. Baxter). That was an abstract Resolution. He thought, though he could not refer to the passage, that at a later period the right hon. Gentleman at the head of the Government acknowledged that Resolution had a very important effect on the subsequent reduction of expenditure. It might be said he ought to have waited till the Estimates were produced to know what expenditure was going to be increased—that he ought to have waited to know how the public accounts stood. But how could that be if they were told by the right hon. Gentleman at the head of the Government that to attack the Estimates was to move a Vote of Want of Confidence. It was quite plain that the only manner in which anything like a substantial endeavour to reduce expenditure could be made was to request the House to give their opinion as to the expediency of reducing the expenditure before they committed themselves to the Estimates. It was for that reason he ventured at the very earliest opportunity he could obtain to ask the House to discuss this question before the Government were committed to the Estimates, and before the matter had passed into a stage in which discussion would be ineffective. Having made these remarks, he would pass to the subject of the Resolution itself. Now, the Resolution affirmed that the present expenditure was excessive. The word excessive was in itself a word of comparison, and they could only judge of magnitude by comparison. He would take for a standard the same standard which the right hon. Gentleman and his Colleagues took on the hustings in 1868—namely, the standard of expenditure in 1866. The right hon. Gentleman pointed out that that expenditure was only the last of a series of years of decreasing expenditure; that diminution of expenditure had not reached its extreme limits; and that the country had a right to expect that it would be further diminished. He (Mr. Harcourt) would ask the House to allow him to state very shortly the history of the recent expenditure of this country. He would not ask it to go back to those halcyon periods of expenditure with which the Duke of

Wellington was satisfied and Sir Robert Peel conducted the affairs of this country, but would confine himself to the period of the Administration of a Minister who was not supposed to be too parsimonious—Lord Palmerston. He would take the last 10 years, and limit himself to that decade. In 1863, when people had begun to recover from the influence of panics, the process of diminution of expenditure was commenced by the right hon. Gentleman at the head of the Government, then Chancellor of the Exchequer. That period of 10 years divided itself into four epochs. From 1863 to 1866 the expenditure progressively diminished; from 1866 to 1869 it increased; from 1869 to 1870 it diminished again; and from 1870 to 1872 it increased again. The actual figures were these:—In 1863, the expenditure of the country was, in round numbers, £69,000,000; in 1866, the expenditure, as corrected by the right hon. Gentleman, then Chancellor of the Exchequer, was a little above £65,000,000, deducting the cost of the New Zealand War; in 1868 the expenditure was about £69,000,000, deducting the cost of the Abyssinian War; in 1870 it was £69,000,000; and in 1872 it was £71,000,000, deducting the abolition of Purchase. His right hon. Friend the Member for Pontefract (Mr. Childers), whose acquaintance with such matters and accuracy in dealing with them were well known, had pointed out the complications of the public accounts, which, in fact, required that a man should be an ex-Secretary of the Treasury to understand them; but he (Mr. Harcourt) hoped that the paper called "Statistical Abstract" would throw some light on the subject. The expenditure of the country might be divided into four parts. First, there was the interest of the Debt, which varied very little; next, there were matters of account, which appeared on the debtor and the creditor side; then there were items of remunerative expenditure, such as the Post Office and the Telegraphs—matters with which, for his present purpose, he had nothing to do; and lastly, there remained to be provided by taxation, including Supply Services, somewhat less than £2,000,000, which was charged on the Consolidated Fund. It was to these figures that his right hon. Friend the Member for Pontefract applied himself particularly; and what were the figures which he gave? He said that the charge, according to his corrections, in 1866, would be £31,500,000; in 1869, £35,000,000; and in 1872, £34,500,000. If he (Mr. Harcourt) took the year 1868, which was the year of the Election, instead of 1869, the charge would stand at £34,500,000, instead of £35,000,000. Well, but taking his right hon. Friend's own figures, how did the matter stand? It was true they were not worse off in 1872 than they were in 1868. They were nearly the same. But how did they stand with regard to the standard set up on the hustings in 1868—namely, the expenditure of 1866? They were at least £3,000,000 worse; in other words, they were worse by that exact sum of £3,000,000, which was the great password of the Election of 1868. This was the result of the figures of his right hon. Friend. No one could complain of the standard of comparison taken in 1868, which was the standard again referred to in 1872 by his right hon. Friend before the electors of Pontefract. If it were true, however, that taking it at the lowest figure of, not £3,500,000, but £3,000,000, the expenditure was higher by that amount than it was in 1866. They were much worse off, because they had added a prescription of five years to that permanent increase of the national expenditure of £3,000,000 which, on the hustings in 1868, Liberal Members were pledged to oppose. How was this expenditure characterized by those from whom they had learned everything they knew of finance? The right hon. Gentleman (Mr. Gladstone), speaking in the year 1868 of this very same system of comparison, said this—

> "In truth, I have understated the case, because I have taken for my standard of comparison the Estimates for the year 1866, whereas the House is entitled to assume that the Estimates subsequent to that year should have undergone still further reduction in place of being increased. . . . . . We left to our successors a progressively diminishing expenditure. . . . . I claim no credit for the diminution of the expenditure which we effected. . . . . . We may have been but poor performers, but it seems that there are still poorer performers than ourselves.—[*Ibid.* 1750.]

Another point of view was the comparative amount of taxation taken from the people. This was not a matter of account, for what was taken from the people in this way was never given back by the Treasury. He had shown that in 1866 the money taken from the people in taxation was £60,000,000. He had likewise shown that in the year ending March, 1872, it was £65,000,000; and in the year ending December, 1872, it was £68,000,000. Deducting the surplus of £1,000,000, it followed that you were raising in the first of these periods £4,000,000 more in taxation than you raised in 1866, and since then the amount was greater still. It followed, therefore, that while increasing expenditure by £3,000,000 since 1868, corresponding burdens had been laid upon the taxpayer. Sooner or later Members must give an account to their constituents on this point. The Government had redeemed honourably and nobly their pledges with regard to Ireland, and, in his opinion, never more so than by the measure of the present Session. Upon the other great question of public expenditure, however, they could not but ask themselves what they had done to redeem the pledges they had given to the country. They might fairly be told that they had done nothing. Why? There were various forms of apology for doing nothing on this question. Bentham had composed a *Book of Popular Fallacies*, and if somebody would compose a work entitled *Popular Fallacies on the subject of Increased Expenditure* it would make an admirable appendix to that work. It was extraordinary what shallow excuses people would accept for very great mischiefs. The first apology offered for non-reduction of expenditure was the apology of automatic expenditure. He did not know who enjoyed the copyright of this phrase; but believed the claim lay between the Chancellor of the Exchequer and the Chairman of the Local Government Board. If, however, they were to have automatic expenditure, they might as well have an automatic Chancellor of the Exchequer, though, so far as he knew, the perfection of mechanical machinery had not reached that triumph. It was what he had last year called the fatalistic doctrine of the inevitable growth of public expenditure. The simple answer to the doctrine was that it was not true. In the increase of public expenditure there was no such thing as the progressive series. It was much more in the nature of a recurring decimal. It ebbed and flowed like the tides. It was influenced by the varying phases of the altering moon of the Treasury Bench, and was gibbous or crescent according to whichever party happened to be in office. The right hon. Gentleman at the head of the Government when he was Chancellor of the Exchequer did not admit the doctrine of the progressive growth of expenditure, for, on the contrary, he diminished it; and the present Chancellor of the Exchequer did not admit it, for he began by decreasing expenditure, and he had increased it since; and, therefore, if he be an authority that could be quoted on the one side, he could be equally quoted on the other also. No doubt in many items expenditure must increase. The social wants of the country required such an increase. But then how far were they to go in meeting this state of things? On this, as on other questions, he could point to authority, and authority told them that if expenditure were increased in some directions it must be diminished in others, for otherwise they would be landed in an expenditure of illimitable extravagance. Take naval expenditure, perhaps the most important of any, for the Navy must always be our chief arm of defence. So far from admitting the doctrine of progressive expenditure in the Navy, his right hon. Friend (Mr. Childers) established a reduction in that branch of the Service—the only reduction which had stood the test of experience in the present Parliament. His right hon. Friend reduced expenditure upon sound principles, which had given to this country the most efficient Navy in the world, and yet one far more economical than in 1866; and he congratulated his right hon. Friend upon a financial policy which showed that expenditure need not be progressive, and that efficiency was consistent with economy. Unfortunately, Army expenditure stood upon a very different and less satisfactory footing. He did not wish to go into that particularly. He was a little disappointed that, with a policy of arbitration, the Government should still think it necessary to keep up enormous armaments; because if they were to have, on the one hand, increased military expenditure in order that they might fight the world, and were also to pay millions of money, according to a doctrine recently promulgated, in order to induce the world not to fight us, they would be landed in an expenditure outgrowing that of any other nation. It seemed like the policy of a gentleman who kept a coach and six that he might walk on foot, and that was all he would say upon a policy of enormous armaments combined with a policy of arbitration. He might be told that armaments cost a great deal more than they did, and that expenditure must therefore be increased. That was, however, not necessarily established. In 1866, deducting the cost of the New Zealand War, the Estimates for the Army were a little above £13,000,000, whilst in 1870 it was £12,900,000, or less in 1870 than it was in 1866; whilst in 1872 the expenditure, as stated in the Appropriation Act, was no less than £14,800,000, exclusive of the cost of abolishing Purchase, or an increase of about £2,000,000 upon the expenditure of the two years previous. That was the price of panic. But it was said guns and men cost more, and therefore an increase was inevitable. This doctrine, however, was not held by the Members of the present Government in 1868, when the right hon. Gentleman opposite promulgated it in justification of the Estimates of that year. The present Prime Minister, in reply to this identical argument, said—

> "The right hon. Gentleman (the then Chancellor of the Exchequer) will say that the expenditure has been rendered necessary in order to secure the efficiency of the services. [*Cheers.*] Yes, that cry has cost the country a great deal of money, and it may cost it a good deal more. . . . The state of the expenditure is such as we should deeply deplore."

The present state of expenditure, however, was exactly the same now as then. The right hon. Gentleman continued—

> "When we came into office last, we had to contend with and check the fever of expenditure which had seized upon the country, and which had induced Parliament to spend £6,000,000 or £8,000,000 upon harbours of refuge. We did this—the Liberal party did this—while, as we think, we perfectly maintained the efficiency of the public service, at the same time regularly effecting great reductions through five or six years which we had the prospect of continuing." —[*Ibid.* 1752.]

Another great authority upon this point was the present First Lord of the Admiralty (Mr. Goschen), now himself a dealer in great guns. In 1868 the right hon. Gentleman said—

> "The right hon. Baronet (Sir John Pakington) had only pointed to the increase of the expenditure, and shown, what was the truth, that the cost for the armaments now was infinitely greater than it used to be. But if they were to admit that every gun would cost so many hundred pounds more than before, then they would probably think that they should want very much fewer guns." Was that the doctrine of his right hon. Friend now? The right hon. Gentleman continued—"What was 'extraordinary' one year became 'ordinary' the next. When any special expenditure had been incurred one year it would be found repeated in the next year, instead of the expenditure being reduced. Another matter he wished to point out was that, notwithstanding this enormous expenditure on the Army and Navy, which he was afraid would be increased by millions, nothing was ever found ready. If there was to be a new expedition they would have to incur an extraordinary expenditure besides."—[*Ibid.* 1759.]

Another very able commentator upon this doctrine was the right hon. Member for Pontefract (Mr. Childers), who remarked that—

> "It had been said by more than one hon. Gentleman opposite that the proposed increases of expenditure were inevitable, and he did not dispute that from year to year it was found to be absolutely impossible to prevent the increase of some items. But it was the part of a wise Administrator, when expenditure was inevitable on some heads, to see whether it could be reduced on others. . . . . . His right hon. Friend opposite (Sir John Pakington), for instance, stated that the guns cost more than they used to do. The question then arose, whether fewer guns might not be required. He was about to apply the principle in another direction. It was said that the maintenance of men was more costly than it used to be. The question then came, whether they could not dispense with some of the men."—[*Ibid.* 1769.]

He wished his right hon. Friend would repeat that question to his Colleagues that evening. They had all held the same doctrine in 1868; they taught their followers to believe in it; they had deeply impressed the country by it; and it was upon the faith of their resolution to be guided by the principle contained in it that he and many sitting near him had been returned to the House. Another apology for increased expenditure was the alleged increase in the cost of the Army. But, surely, Purchase was abolished that the Army might be more efficient, and, therefore, less numerous and less costly? He had always understood that when his right hon. Colleague had succeeded in welding into one harmonious whole the Volunteers, the Militia, and the Army, the country could afford to dispense with some of its regular troops, and trust to what everybody was assured would be an efficient Reserve. If the Government had any confidence in the new system, what was the meaning of the addition of 20,000 men under the colours to the regular troops? He should not imagine that the Government had that confidence which he and others had in the system which they propounded. Then take the Civil Services. Was the expenditure on them necessarily progressive? People would say "Yes;" but he ventured to say "No." In 1865, when the right hon. Gentleman at the head of the Government, taking a review of his splendid financial career, stated the condition of the country before the General Election of that period, he took especial credit for that Parliament that it had not increased the Civil Service expenditure. He pointed out in his Budget that the Civil Service expenditure had not increased, in spite of the growing wants of the country. But then they were told that the cost of education was greater. But the Government knew in 1868 that this increased cost of education was coming. They knew that a measure for the improvement of education was going to be passed; and why did they tell the country that the expenditure should be diminished to the standard of 1866, and even below that? The way to meet the increased Education Vote was to diminish expenditure in other quarters; but no such measure had been adopted. The Vote for Works and Public Buildings had increased since 1866 by nearly £500,000, and projects were on foot which would result in a still further increase. A new Admiralty Office, a new War Office, and a new Mint were spoken of; but the new Mint was got rid of last year, and he hoped it would be got rid of again. There should be some hope of a surplus with a revenue of £77,000,000; but if the Government and Parliament continued burning the candle at both ends, and more than both—if the suggestion of a candle with more than two ends could be admitted—there would be no end to public extravagance. He would pass from the doctrine of automatic progressive expenditure to what was called the rich man's fallacy. That was an argument against which they had especial reason to be on guard in that House. With very few exceptions the majority of that House were accessible to the rich man's fallacy. It was that when told the expenditure had increased he would reply, "Oh, yes; but then the country is very rich." But there were a great many people in the country to whom that argument did not extend. There was a class which was becoming more and more pressed every year, and that was the class who were dependent on fixed incomes. It was all very well for the coal-owner who, receiving 12*s.* a ton more for his coal, paid an additional 2*s.* a ton in wages and put the 10*s.* in his pocket, to say £2,000,000 or £3,000,000 increased national expenditure was nothing. Perhaps it would not be very much to the coal-owner if it formed the increase in his private expenditure; but it fell heavily on those who bought coal. A man recently at work in his house, earning 32*s.* a-week, had told him that coal now cost him 4*s.* 6*d.* a-week, instead of 2*s.* last year. That 2*s.* 6*d.* a-week made all the difference in the world to him; but the Government could give him no assistance by legislating to reduce the price of coal—he could be assisted only by reduced taxation; and hon. Members might rest assured the increased wealth of the country would not help them with their constituents when they returned to them. He now passed to what he might call "the doing-well fallacy." People said—"Oh, we are doing extremely well. True, the expenditure may be increasing, but we are taking off a great deal of taxation, and we have cleared off a great deal of debt." That was all very well for loose talk; but if you came to examine the thing accurately you would find you were not doing very well. In the financial history of the country for 30 years you had never been doing so ill. Compare what ~~had been~~ done in the last six years of the last decade with what had been done in the preceding four years. In 1863 the right hon. Gentleman at the head of the Government was Chancellor of the Exchequer, and he took off £4,646,000 in reduced taxation. In 1864 the right hon. Gentleman took off £3,354,000; in 1865, £5,345,000; and in 1866, £1,100,000, making a total diminution in four years of £14,500,000. He wished to state the matter quite fairly, and therefore he would admit that, at the outset, we had an income tax of 9*d.* But, allowing a reduction of £6,500,000 on the head of income tax, there was a reduction of about £8,000,000 in other taxes. That was the financial history of the first four years of the last decade. What was the financial history of the last six years? He wished to make no distinction of party in what he said. In 1867 you took off no taxes; you put on £1,500,000 to the public expenditure. In 1868 you put on £1,500,000. In 1869 you diminished the expenditure and took off £2,300,000. He did not count the reduction of the income tax which had been put on the year before. When you examined the reduction of taxation, what you put on one year and what you took off another might be taken as a matter of account. He was sure his right hon. Friend the Member for Pontefract would agree with him. His right hon. Friend was too accurate a financier to fall into the blunder that if you put on taxes one year and took them off another you really reduced taxation. In 1870 the Government took off £3,000,000—that was to say, 2*d.* of the income tax which had been before put on. Counting this 2*d.* on both sides of the equation, what remained? In those two years you took off £3,500,000. In 1871 you took off no taxation; you put on £3,000,000. In 1872 you took off the £3,000,000, and made a trifling reduction besides of £500,000. What was the whole financial history of this epoch, in a word? The reduction of taxation for those six years was £6,000,000. Compare that with the first four years of the decade, and in the one case the reduction, independently of the £8,000,000 remission of income tax, was at the rate of £2,000,000 a-year; in the other at the rate of £1,000,000, which was only half as good or twice as bad. But he might be told that within that period we had been reducing the Debt, and that he had not taken that circumstance into account. Well, how much had we reduced the Debt during the last six years? In 1866 the right hon. Gentleman at the head of the Government, then Chancellor of the Exchequer, stated that during the last 10 years the average reduction of Debt had been £3,600,000. If we had reduced the Debt in the last six years since 1866, according to that ratio we ought to have reduced it by £21,000,000 in round numbers. It was not very easy to ascertain what the actual reduction of Debt had been, because the element of Terminable Annuities complicated the question. But taking the figures from the Statistical Abstract which was sanctioned by the authority of the right hon. Member for Pontefract (Mr. Childers), the reduction of the Debt in those six years had been £14,000,000 or £15,000,000. Therefore, our reduction of Debt during the last six years had been less by £1,000,000 a-year than the average reduction of the preceding 10 years. Therefore, if we had only done half as much in respect of remission of taxation we had done still less in respect of reduction of Debt. But then it was said there was the Abyssinian charge. Yes; but the Government was not entitled to any allowance on that account, because during the same period they had the extra income tax, which raised exactly £9,000,000 during those six years. From 1863 to 1866 the expenditure was reduced by about £4,000,000, and £14,000,000 of taxation was taken off. From 1869 to 1870 the expenditure was reduced by about £2,000,000, and £6,000,000 of taxation was taken off. How was that brought about? By that financial paradox which, like the hydrostatic paradox, was very difficult to understand until its principle was explained; it depended on "the normal growth of revenue," which the right hon. Gentleman had made us understand not only by his splendid eloquence but by his diminished expenditure. The normal growth of the revenue in 1866 was, according to the right hon. Gentleman, £1,750,000 a-year. It was now probably £2,000,000. If he was right that the normal growth of the revenue during those six years had been £12,000,000, and only £6,000,000 of taxation had been taken off, what had become of the other £6,000,000? He would tell the House. It had been muddled away in useless expenditure. He would take the lowest possible estimate. Suppose the normal growth of the revenue to have been only £1,500,000 a-year, that was £9,000,000 during those six years. Well, £6,000,000 of taxes had been taken off, what, then, had become of the other £3,000,000? Why, it too had been frittered away in idle expenditure, which he had shown to have increased. It might be said—"Oh, these are the calculations of irresponsible persons who do not know what they are talking about." But those from whom they had learnt their lessons knew very well what they were talking about, when in 1868 they told us that the expenditure should be reduced to that of 1866. And his right hon. Friend the Member for Pontefract, who was a true lover of economy, in addressing his constituents lately, said that the time had come for public economy to be revived, and that we must diminish our expenditure. The Secretary to the Treasury, the hon. Member for Montrose (Mr. Baxter), in a speech to his constituents in the autumn, asked whether the time had not come for a reduction of the extravagant expenditure on our armaments, for a diminution of the income tax, and a free breakfast table. The hon. Member for Montrose had been always the friend of economy, and had never ceased to avow his convictions that our public expenditure was far too high, and ought to be considerably cut down. He (Mr. Harcourt) hoped now that the hon. Member was a responsible Minister that he would not allow his twin Secretary to induce him to vote against this Resolution. Now, although not what was generally understood as a responsible person, he (Mr. Harcourt) had still endeavoured to establish this proposition, and to have taken it from the standard which they themselves had recognised. He had to apologise to the House for the intolerable length of his address, but it was a political subject extremely difficult to deal with. He had endeavoured to state to the House candidly and fairly his views upon it. He might have fallen into mistakes; but, if so, he knew he was in the presence of persons who would be able to set him right. If his Resolution should be carried, he would ask the House to return to the policy of 1869—to a policy of diminished expenditure and reduced taxation. If it should be carried, they would then, he thought, have little trouble in finding for the Chancellor of the Exchequer an excellent surplus, although the right hon. Gentleman gave them very little hopes of being able to report one to the House. He rather feared that the opinion of the majority of the House would not be favourable to the Resolution, for, he said it with all respect, the majority of the House were seldom in favour of public economy. He had heard the right hon. Gentleman at the head of the Government often avow the enormous difficulties which a Government had to encounter in assenting to principles of public economy —difficulties in the shape of demands for public expenditure for various projects. If that be so, if there was so much difficulty in the way of a Government in prosecuting this question, how much greater was the difficulty in the way of a private Member who had not at command the great ability and resources of the Government at his back. If the majority of the House, however, should be of opinion that the public expenditure was not excessive and could not be reduced, or the taxation diminished, had they not better state so to the country at once, and, frankly avowing that opinion, get rid of that worst of all things—the hypocrisy of professions of economy which they had no intention of carrying out? Let the House confess that their declarations in 1868 were founded on delusive ideas of the state of the public finance; that their criticisms on their opponents were unjust; and that having returned to their expenditure they would make the *amende* and acknowledge their policy to have been wise and just. There would be no shame in making such an avowal, and the rejection of his Resolution would virtually make it. Those, however, who adhered to the principle of 1868 asked the House to promise the Government its co-operation in reducing the expenditure, and his Resolution, having nothing of the character of an attack or censure on the Government or on either side, would express such a readiness on the part of the House, which must and ought to take its share of responsibility in the matter, to assist the Government. He believed no two men in the country were more desirous of diminishing expenditure than the Prime Minister and the Chancellor of the Exchequer. If the House of Commons went to them and said—"We think that the public expenditure is too great, and we are willing to assist you in reducing it," they might depend it would be done. But whether the supporters of this Resolution be in a minority or a majority, they at least would feel that they had only been doing their duty by asserting that principle which they sincerely believed to be right. They would have to give one day to their constituents an account of the pledges they had taken. He did not believe that any alteration of circumstances could release them from the obligations they had incurred. They might form but a small band to defend the pass of retrenchment against the fortress of public extravagance. But there were reserves coming behind them. Those with fixed incomes, who were severely pinched by the growth of prices, would yet join the army of public economists. There was another body coming from the other side of the House. It had not as yet stirred, but it would come. The proprietors of the land, fortunately for themselves, had never felt the necessity of public economy; but the occupiers of land—the farmers of England—who felt the necessity of the times, would discover that they had made a great mistake in thinking that the Liberal party were not their friends, and had no sympathy with them. He ventured to think when the question of public expenditure came to be discussed on the hustings, whether in this year, in 1874, or 1875, the farmers of England would exercise their great influence, and give their votes in favour of diminished expenditure in this country. They might be right or they might be wrong, they might succeed or fail in establishing the principle which he had feebly endeavoured to assert. At all events he was sure that the House of Commons would forgive them for earnestly maintaining principles which they sincerely believed to be for the public interests. The hon. and learned Gentleman concluded by moving his Resolution.

MR. JACOB BRIGHT, in seconding the Resolution, observed that he had heard it said that Joseph Hume for 30 years had laboured for the reduction of the Estimates with an almost infinitesimal result. He thought that Members of that House were entitled to a much broader discussion of the question than could possibly be obtained in Committee of Supply. The hon. and learned Gentleman (Mr. Harcourt) had anticipated the objections that would be made to an abstract Resolution. Such objections could not be valid, inasmuch as year after year abstract Resolutions were brought forward in that House on important occasions by influential Members. No one would deny that if there was that night a powerful vote in favour of the Resolution, the party in the Cabinet which desired economy would be much strengthened by the process. This was not a party question. There were no party considerations which could prevent any man voting for the Motion of his hon. and learned Friend. He wished it was a party question, because he found that those were the questions which had the greatest force behind them. No party in that House had much anxiety on the question of public expenditure. When the House was challenged to express an opinion upon such a question, some 60 or 100 Members on that side, and it might be half-a-dozen on the other, were willing to go into the lobby to vote for an economical administration of affairs. He did not think those numbers were a correct index of the state of feeling in the country. Members of the House of Commons who voted in favour of economy came, as a general rule, from the populous districts, and if every Member of that House represented an equal number of persons out-of-doors, there would be not one in six or seven voting for economy, but two or three times that number. There was a great divergence between the opinion of people out-of-doors and the conduct of that House upon such questions, and he was not surprised that that should be the case. People generally out-of-doors were not rich; the great majority of them had to struggle hard to maintain the position in which they happened to be placed, and therefore it was not easy for them to meet demands upon them; but the majority of the Members of that House were rich, and the payment of taxation was to them a matter of small consequence. Again, the people outside were altogether taxpayers associating with taxpayers, and knowing nothing but the unfavourable aspect of the question; but Members of that House associated more or less intimately with many families who were made happy by the expenditure of public money, and they therefore saw the favourable side of the question. He believed there might be a considerable reduction of expenditure in almost every spending department of the country, without any detriment to the public service. He held that opinion because it appeared to him that the expenditure had increased of late years in an alarming manner. It might be said that the growth of expenditure should increase with the growth of the country. He did not deny that. It might also be said that expenditure might reasonably grow at the same rate as the increase of population; but he could not see why if a country of 20,000,000 inhabitants were to become a country of 25,000,000, one-fourth should be added to the expense of its government. Surely, no one would maintain that the expenditure of the Government should increase in a much greater ratio than the increase of population, and yet, so far as he had been able to see, that was what had been going on. He had very few figures to lay before the House; but he wished to make a comparison with regard to the grants for Miscellaneous Services between the two years 1850 and 1872. In 1850, the grants for Public Works and Buildings amounted to £587,000, and in 1872 the amount had increased to £1,359,000. The grants for Salaries and Expenses of Public Departments were in 1850 £1,030,000, and in 1872 £1,803,000. The grants for Law and Justice were in 1850 £1,184,000, and in 1872 £3,992,000. The grants for Colonial and Consular Services were £441,000 in 1850, and £544,000 in 1872. For Superannuation Charges the grant was in 1850 £188,000, and in 1872 £525,000. He was aware that it was difficult, and sometimes even dangerous, to institute a comparison between any two years that could be named, because there were many disturbing circumstances; but in this case he had deducted from Law and Justice £550,000, in consequence of charges which, at the former date, did not appear in the Votes, and £100,000 for Colonial and Consular Services, for a similar reason. Making these deductions,, and not touching the subject of education, the result was that the grants in 1850 amounted to £3,430,000, against £7,573,000 in 1872; so that, since 1850, the expenditure on these items had increased at the rate of at least 100 per cent; whereas the population in the same time had not increased beyond 20 per cent. The item of Law and Justice was the one which, to him, was the most astonishing. He did not know whether his hon. and learned Friend who moved the Resolution would agree with him when he said it was not improbable that that item had grown so greatly owing to the excessive representation of law in that House. A comparison was sometimes drawn between a Government department and a private firm. In a business concern the necessity of making a profit kept down expenditure, and occasions arose when it became necessary to revise the expenditure; but a public department lived on from generation to generation, with constant accretions of every sort. It appeared to be nobody's business to look into it, and he could not discover that anyone was to any great extent responsible for it. On the subject of Military and Naval expenditure, whenever any Member from the benches below the gangway undertook to criticize those items, he was met with the common-place charge that he was in favour of peace at any price. Well, he was in favour of peace at any price which could be honourably paid for the maintenance of peace. When any question of dispute occurred between this nation and another which admitted of arbitration, he would a thousand times rather arbitrate the question, than run the risk of war; but if any interest arose which could be justly asserted, and which clearly concerned the welfare of this country, he would have that interest maintained. Therefore he was as much in favour as any Member of the House, of an adequate expenditure for Military and Naval purposes—but that expenditure at the present time was more than adequate. The Prime Minister, the right hon. Member for Buckinghamshire (Mr. Disraeli), Lord Derby, and many others of more or less authority, had declared most emphatically, that the money of the people was being needlessly spent, and when he found the opinions of those authorities in harmony with the opinions of the most sagacious politicians in all the great political centres, he attached to them very great weight indeed. We spent, too, more than any other nation in preparations for war. There was not a continental country which, on the average of years, in time of peace spent a sum of money equal to that which we spent. The state of the world was exceptionally favourable at this moment to our security from any kind — he could not say of war, but even of disquietude. It was even more favourable than when the declarations in favour of economy were made some few years ago. If the United States had a powerful Navy, which might be thrown into the scale against us on behalf of some continental country, he could well understand why there should, under such circumstances, be alarmists who wished for an increase of expenditure; but the United States had no such Navy, and there never was a time when the military nations of Europe were more occupied with thoughts of self-preservation. If that House could by some accident have a lucid interval upon this question, and should come to a resolution that no Government in time of peace should have more than £20,000,000 for Military and Naval preparations, there would be no difficulty in finding right hon. Gentlemen to sit on the Treasury bench. The Chancellor of the Exchequer was an object of interest with several large classes in the community. There were those, for example, who told him that he should reduce the National Debt with a view to its ultimate extinction; but he could not help thinking there was some confusion of mind, not only on the part of those, but of other classes who assailed the right hon. Gentleman; for, although very anxious to get rid of the Debt, they did not do much in the way of an economical expenditure. Another class wished for the abolition of the malt tax, but he did not believe they were in the least degree in earnest. Some gentlemen certainly had an interest in the question; and he did not wonder at it, for the malt tax was more obnoxious than an ordinary tax, as it interfered with men in carrying on their business with freedom. But he never found these men, either in the House or out of it, doing anything to reduce the public expenditure; and he appealed to hon. Gentlemen opposite whether they believed that the malt tax would ever be abolished till the country was governed upon a lower scale of expenditure. Then there was that class which had lately made a good deal of noise on the subject of the income tax. A great meeting, recently held in London, under the presidency of the Lord Mayor, and the lately-elected Member for Tiverton (Mr. Massey) was one of the principal speakers; but he should like to see those who were getting into a state of violent agitation with regard to the income tax lifting up a finger to assist the supporters of this Resolution, in the contest in which they were engaged. Another demand which was being made upon the Chancellor of the Exchequer was for greater freedom of trade—a demand which would grow, and which he hoped would become so powerful that the Chancellor of the Exchequer would be compelled to yield to it. The time had come, or was coming, when another step ought to be made in the direction of that unfettered commercial intercourse which had been shown to be a necessary condition of prosperity for the people in every land. In 1841 Sir Robert Peel began the process of freeing the commerce of this country, and the result was that whereas the exports of English and Irish produce in 1840 amounted to £51,000,000 sterling, they had increased 20 years afterwards to £135,000,000, or, in other words, they had almost trebled the amount which, up to 1840, it had taken the whole of our commercial history to attain to. In 1870, the exports had further advanced to £19,900,000, and these results had been brought about, not by the wisdom of state-craft, but simply by letting commerce alone. Was it defensible, then, on any grounds, to maintain restrictions upon any article the consumption of which they did not desire to diminish? The hon. Member for Brighton (Mr. White) might say that if they took off the duties from coffee, sugar, and tea the working classes would be left almost untaxed; but though they would certainly be less taxed they would not be untaxed, as was shown by the consumption of tobacco, beer, and spirits. He did not want any class to be relieved from its fair share of taxation; but it was an unscientific and a senseless thing to endeavour to get taxes by any method which crippled commerce in legitimate articles. Some £6,000,000 or £7,000,000 were still derived from the tea, sugar, and coffee duties. The trade interfered with was that with distant countries of the world; but it was with those distant countries probably that the greatest increase of our future trade would have to take place. The United States and Continental countries maintained protective duties against us, and what was more, they were developing manufactures of their own. At the present moment, the machine makers of this country were, and had been for some time, exporting at least one-half, and he had been told three-fourths of their machinery to Europe and the United States, and thus we were likely to become more and more dependent upon distant countries for our trade, and he wanted a reduction of expenditure that we might have greater freedom of trade. There were reasons why this question of expenditure became more important now than in times past. The Government had offered to contribute to local taxation, so that there were charges coming upon the public purse which had never been calculated to come upon it, and there was the pressure upon the people from the high price of coal, which, in itself, was equal to the whole amount of the national expenditure. An election would come before very long, and whatever other question cropped up, this was sure to be very much discussed, and there were seats on that side of the House at any rate which would be lost or won according as the Government redeemed or did not redeem the emphatic pledges which had been given during the last canvas. But he would rather appeal to the House than to any party within its walls, and would say that if the House would treat this question seriously, and would undertake to find some means for revising and controlling the public expenditure, it would be entitled to a yet higher degree of respect from the country than it already enjoyed.

Motion made, and Question proposed,

"That the present rate of Public Expenditure is excessive; and that this House desires that it should be reduced, with a view to the diminution of the public burthens." — (*Mr. Vernon Harcourt.*)

Mr. GLADSTONE: I do not intend to follow my hon. and learned Friend, who has made this Motion in a speech of great ability, extensively in the figures which he has laid before the House. I shall leave that task to be performed possibly later in the evening by others, and by my right hon. Friend (the Chancellor of the Exchequer), who is naturally more conversant with the particulars of those figures. But I wish to state in the first place how I view the general principles laid down by my hon. and learned Friend, and in the second place the practical course which the Government are inclined to pursue, and to recommend the House to adopt on this Resolution. As regards the speech of my hon. Friend, he is perfectly justified in the principles of the review he has undertaken, but whether he has been altogether just and fair in the manner in which he has conducted that review is another question. I own I do not quite understand upon what political principle he has made us responsible during the whole of his argument for the operations and results of the last six years of our financial history. In the principle of that review he is perfectly right, and also in recalling to our minds, and recalling to the mind of the House and the public, the declarations made in 1868. There is no doubt that when we go to the country again these declarations will be recollected, and that by them, to a great extent, we shall be judged. I therefore have no complaint to make to my hon. and learned Friend of this view; and, moreover, I am bound to say that in all the general principles he has laid down with regard to expenditure I heartily concur. But I am almost disposed to accuse my hon. Friend the seconder of the Motion of the dangerous laxity of one part of his speech, where he admitted that it was quite natural the expenditure of the country should grow with the population of the country. That is a principle quite true to a certain extent, but I own I think it requires careful limitation, or else conclusions might be drawn from it at which my hon. Friend would stand aghast, and of which I believe he would be the first person to complain. I do not now wish to enter into that portion of the subject further than to say to my hon. and learned Friend, to the seconder of the Motion, and to the House generally, that in order to make a fair comparison between the present time and the year 1868, we should bear in mind that there are very important elements of expenditure which now weigh heavily upon us which were not in view at all during all the transactions and discussions in 1868; nor were they in existence in 1865—that other period chosen by my hon. and learned Friend as his standard of comparison. There is an increase in round numbers of about £1,000,000 upon the Education Vote, and that increase upon the Education Vote was not in view, any more than it was in existence, in 1868. There is a charge in the present year of £820,000 for the abolition of Purchase. That abolition of Purchase was also not in view, any more than in existence, in 1868. And again, without referring to the particulars or figures of the Estimates which we are about to discuss, I am sure I shall state the matter moderately when I say that the high prices, to which my hon. and learned Friend has referred, will add at least £500,000 to the Naval and Military Estimates of the present year. I do not mean when I say this that these high prices will make that addition in any particular figures, but I believe the Naval and Military Estimates for the present year must be taken to be higher by £500,000 than they would have been in a normal state of the market with regard to the prices of commodities. These are only criticisms in passing on the speech of my hon. and learned Friend. I have no doubt, if it is considered in detail, we shall obtain perfect justice from the House, and I hope also from the public. I agree with my hon. and learned Friend as to the duty of the House to exercise a general review as well as particular criticism in regard to the financial proposals of the Government, and I also agree in what has been said of the ever-enduring and permanent necessity, in the interests of the people, of attention to the principles of economy. Now, the fact of large portions of the community growing rich, and of the increase of wages of a large portion of the working classes, does not absolve us in the slightest degree from the duty of paying attention to economy. At the same time, it evidently tends to a certain extent to alter the standard. Take, for example, another of those items of expenditure which did not exist in 1865. £500,000 has been added to the pay of the Army. Now, I do not think that my hon. and learned Friend will deny that that £500,000 must be taken to represent a change in the value of labour, and as far as the public service is dependent on the value of labour in the labour market the charge on the public must necessarily be liable to increase from that cause, which is a perfectly legitimate one, and which it is impossible to prevent. But I must speak chiefly to the mode which my hon. and learned Friend proposes to pursue; and here we find ourselves again landed in one of our old discussions about the character of an abstract Resolution. My hon. and learned Friend proposes that we should vote

> "That the present rate of Public Expenditure is excessive; and that this House desires that it should be reduced, with a view to the diminution of the public burthens."

My hon. and learned Friend has discussed the question, "What is and what is not an abstract Resolution?" and he has said that all the good which is usually effected in regard to public economy is effected by abstract Resolutions, and that all those who have most pertinaciously pursued economy have prosecuted their task by the method of abstract Resolutions. Well, Sir, it is a little difficult to declare what is the sound and proper definition of an abstract Resolution. My hon. and learned Friend says that the Motion of the hon. Baronet the Member for Devonshire (Sir Massey Lopes) last year on the subject of Local Taxation was an abstract Resolution; but, at any rate, that Motion differed exceedingly from the present Motion of my hon. and learned Friend, because it pointed out exactly what it was that the hon. Baronet wanted. No one could possibly complain of it for want of definiteness as to the object the hon. Baronet had in view. I think it is very difficult to define an abstract Resolution, and I cannot at all admit that some of those to which my hon. Friend refers were in reality abstract Resolutions. What I understand to be an abstract Resolution is this — a Resolution which does not carry within it an operative principle likely to produce within a reasonable time practical consequences. Now, what I am afraid of is that when we declare in general terms that the expenditure is excessive and that the House desires it to be reduced, there is very great risk that such a Resolution, if it were carried, might prove perfectly barren of results from want of particularity as to the objects which my hon. and learned Friend has in view or the means by which he intends to pursue them? My hon. Friend, I admit, has one very fair precedent to which he has pointed—namely, the Resolution of 1862, which may be called exceptional. That was, undoubtedly, an expression of a general character, and it was an expression which the Government were able to accede to. It was an expression which was followed by an immediate, though not an instant, reduction, to a considerable extent of the public burdens. And here, perhaps, my hon. Friend and I might not agree even on the meaning of the term "immediate" in these matters. I should say that the Resolution of 1862 was followed by an immediate effect, but it was an effect on the next year's Estimates. But now my hon. and learned Friend says that he has been very careful to make this Motion to-night—that is to say, on the very first night he could obtain for the purpose during the present Session—in the hope that the Resolution may, if carried, operate on the Estimates of the present year. These Estimates are at this moment to a very large extent in type. Indeed, I am not sure they are not already struck off, and I believe that they have actually been laid upon the Table of the House, and that they will probably be in the hands of hon. Members to-morrow or Thursday. It is, therefore, I am afraid, quite impossible to meet the eager desire of my hon. and learned Friend in point of time. In 1862, when what I call an immediate effect was produced, the state of things was evidently favourable to a declaration of that kind. The Estimates of the preceding year had been largely swelled by causes which were not only entirely abnormal in themselves, but which had ceased to operate. The alarm with respect to invasion from a European country, which was prevalent in the years 1859 and 1860, had in 1862 practically passed away. And what was a still more substantive and remarkable circumstance was that a considerable expenditure of something like £7,000,000 connected with the China War, and which had acted on the Estimates of the expenditure of 1860 and 1861, had completely passed away. Therefore, the Government were then in a position in which they might accede to a Resolution of that kind in the moral certainty of being able to carry it into effect—not only with the hope, not only with the desire, not only with the general persuasion that economy was practicable, but with a pretty clear view in their own minds of such a considerable reduction as would correspond to the magnitude of such a declaration by the House of Commons. That was a special case; but I must point out to my hon. and learned Friend—because it is material to a discussion of this kind—that I think he is not sustained in his doctrine that it is by Resolutions of this nature that public economy has been promoted. He has quoted the respected, and I may say venerated, name of Mr. Cobden, saying that Mr. Cobden was in the habit of moving Resolutions of this kind in the House of Commons. Now, I am not prepared to deny that Mr. Cobden did move such Resolutions, but I am bound to say I know not what results followed from them. The fame of Cobden stands so well established that his name can bear this criticism, if criticism it be. His arguments on the great question of the Corn Law illuminated not only this country but the world, and once for all, for the first time and the last time, he gave to the arguments on that question a basis which could not be shaken. Mr. Cobden, in many other matters, too, displayed a sagacity such as I, at least, believe will cause future generations to regard him as a man endowed with much of what may be called in politics prophetic instinct. But I certainly should not quote his Resolutions in Parliament with respect to public economy as having been propositions on which his future reputation will rest. I think that at one time, about the year 1848 or 1850, Mr. Cobden moved a Resolution to the effect that it was desirable to return to the scale of expenditure which prevailed in the year 1835. However, I am not aware that that Resolution produced even the slightest result; and I am bound to say that, unless made under peculiar circumstances, these general declarations ought to be avoided. They make great promises in the face of the country, and, as a rule, it is extremely difficult to insure their fulfilment. There is another great name in matters connected with the question of public expenditure which I will quote against my hon. and learned Friend, and I am sure we shall not differ about the public merits of the man to whom I refer—namely, Mr. Hume. I believe I have stated the expectation I entertain respecting Mr. Cobden; and in like manner I believe that Mr. Hume has earned for himself an honourable and a prominent place in the history of this country—not by endeavouring to pledge Parliament to abstract Resolutions or general declarations on the subject of economy, but by an indefatigable and unwearied devotion, by the labour of a life, to obtain a complete mastery of all the details of public expenditure, and by tracking, and I would almost say hunting, the Minister in every Department through all these details with a knowledge equal or superior to his own. In this manner I do not scruple to say Mr. Hume did more, not merely to reduce the public expenditure as a matter of figures, but to introduce principles of economy into the management of the administration of public money, than all the men who have lived in our time put together. This is the kind of labour which, above all things, we want. I do not know whether my hon. and learned Friend, considering his distinguished career in his profession, is free to devote himself to the public service in the same way as Mr. Hume did. If, however, he is free to do so, I would say to him—"By all means apply yourself to this vocation. You will find it extremely disagreeable. You will find that during your lifetime very little distinction is to be gained in it, but in the impartiality of history and of posterity you will be judged very severely in the scales of absolute justice as regards the merits of public men, and you will then obtain your reward." Although I am not one of those who think the work of economy is ended, or from its nature in any way can be ended, yet my Colleagues and myself have asked ourselves what course we can safely recommend the House to pursue. The practice of Parliament has been, as we all know, to review annually the proposals of the Government for the year; but over and above that practice it has from time to time thought it wise to institute inquiries—inquiries in one sense more particular, and in another sense more comprehensive—into the general course and movement of the public expenditure. This practice is, I must say, a salutary one. It receives ample countenance from the high authority of Mr. Pitt, who in the best and most distinguished period of his life—namely, that preceding the Revolutionary War in the year 1786—either moved or acceded to a Motion for appointing a Committee of this House with reference to a review of the course of public expenditure. In 1791 the same thing was done; in 1797 that operation was repeated; in 1807, shortly after Mr. Pitt's death, it again occurred; in 1817, shortly after the Peace, it received the sanction of the Government of Lord Liverpool; in 1828 the precedent was followed by the Government of the Duke of Wellington—a Government which deserves, perhaps, as much credit for economy which it carried into the affairs of the country as any modern Government; and, again, for the last time, in 1838, when the present Lord Halifax was Chancellor of the Exchequer in the Government of Lord Russell, a similar course was pursued. When Mr. Pitt made his proposal in 1786 the whole scale of the expenditure of this country was very moderate indeed; and, in fact, Mr. Hume was in the habit of referring to this period as the Golden Age, and on that occasion Mr. Pitt applied himself to this question, not, however, in the endeavour to commit the House authoritatively to any general recommendation on the subject. At that time the expenditure of the country was fairly within the possible diligence of a committee, and the scope of its labours; but since that time the expenditure has increased between four and five fold. There are other reasons which I think make it expedient to attempt to appoint a Committee which should be charged with the business of covering this enormous expenditure. The expenditure of the country divides itself into four great heads—three if we consider the Army and Navy as one. The first of these is the expenditure on account of the Debt, the second is the expenditure on account of the Army and Navy, and the third the Civil expenditure. It is obvious that the expenditure on account of the Debt affords no scope whatever for the labours of a Committee, unless it considered the policy to be pursued—an important subject, on which, of course, under some circumstances a Committee might be intrusted to make valuable recommendations. This, however, is not a matter which my hon. and learned Friend has in view. The great branch of our expenditure on account of the Debt may be taken at between £26,000,000 and £27,000,000. The second great branch of our expenditure, that for the Army and Navy, comes to about £24,000,000. Certainly we do not propose to institute a Committee on that subject, and I will show why. In the considerations of the charge for the Army and Navy, there is always mixed the question of policy together with the question of expenditure. Not only the credit of the Government, but also the whole character of the policy of the country, are attached to the Estimates of the year for the Army and Navy in a sense and degree in which they are not attached to the Estimates for the collection of the Revenue or for Civil purposes. It would, I think, be very inconvenient, not only to the Government, but to the House itself, if the House should exercise the right, which it undoubtedly possesses, of appointing a Committee to consider the question of the Army and Navy expenditure at the time when the Army and Navy Estimates are just about to be discussed. It would be impossible for a Committee to enter upon the question of policy which determines the scale of the Estimates, for the House itself is the proper authority to judge of that policy, upon which it will have to pronounce its opinion in the course of the next few weeks. Again, as regards the question of expenditure—that is, of the mode in which the policy is applied throughout the details of the expenditure—it will be most inconvenient that a Committee of this House should be considering this subject at the very same time when the House itself must necessarily be also employed in considering it. If the House appoints a Committee I hold it is very desirable, as far as possible, to give that Committee a perfectly clear field; and therefore, if it should be proposed to refer Army and Navy expenditure to a Committee, that would be a matter to be considered on its own merits, and I could give no pledge at all with respect to it; it would be for the House to exercise its judgment as to concurrence or non-concurrence; but it seems to me it ought not to come into our view to-night. I now come to the question of Civil expenditure, and with respect to that many reasons would recommend the appointment of a Committee of sufficient weight and authority to examine into the general course and amount of our Civil expenditure, if the House is disposed to take that course. The first reason is its immense increase—that is to say, its immense increase in a double sense—first of all, its very large aggregate increase; and second, its increase in relation to the jurisdiction of this House. If we go back 20, 30, or 40 years, we find that the jurisdiction of this House in regard to the Civil expenditure was exercised only with reference to sums quite insignificant. I think I can recollect the time when the Miscellaneous Estimates were between £1,000,000 and £2,000,000, and therefore presented a comparatively very narrow field. The Miscellaneous Estimates—what are now called the Estimates for the collection of Revenue—have now reached a sum not far short of £7,000,000. It is foolish to call them Estimates for the collection of the Revenue, since £2,500,000 is incurred in carrying on the Postal and Telegraph Services; but these are not to be considered so much as organizations for the collection of the revenue as organizations for the management of two Departments of public business which it is thought can be better transacted for the public by the Government than by private individuals. Customs and Inland Revenue cost something more than £2,600,000; the Post Office takes rather more than that; and there is a sum of £600,000 or £700,000 for the Telegraphic Service, making altogether the sum of £6,000,000 or £7,000,000. Of course, all this is under the jurisdiction of the House of Commons, and any general recommendations or considerations which it may be the duty of the House of Commons to study with regard to public economy are applicable to these large sums of money just as much as they are to any portion of the public expenditure. The total amount of Civil expenditure is rapidly approaching to rivalry with the expenditure of the Army and the Navy, and with that on the Debt it has almost reached £20,000,000, and it is made up in this way:—The Miscellaneous Estimates now amount to £11,000,000. We must not suppose the whole increase in them is increase of charge. We now introduce into them a multitude of items which were formerly paid without appearing on them—payments which were consequently wholly withdrawn from the view and observation of this House, but which now come within it. In speaking, then, of magnitude, I speak not of magnitude of taxation, but of the magnitude of the many transactions which come under the view of the House, and in regard to which the House is responsible. We have added items, including the collection of the Revenue, and, I think, the Packet Service, which must fully bring up the items to £7,000,000, so that we have a total of £18,000,000. Then again, in round numbers, we have £2,000,000 charged on the Consolidated Fund, which, at least as regards those on the Civil List, are removed from our view during the life of the Sovereign. Yet, speaking generally, there is an amount of nearly £20,000,000 of Civil expenditure, with respect to which this House is responsible. 30 or 40 years ago the responsibilities of the Treasury were light indeed, compared with what they are now. At that time it had from £1,000,000 to £2,000,000 of Miscellaneous Estimates for the collection of Revenue, and of course it had a general control with respect to the Estimates of Revenue, which in those days were necessarily smaller than they are now. Since that time not only have the amounts increased, but the diversity of charges which come under the control of the Treasury has enormously increased; and while the Treasury has had this vast addition made to its responsibility it has not had, and it could not possibly have had, a corresponding addition to its strength relatively to other Departments of the Government. The control of the Treasury is very various in regard to different portions of expenditure; and I think I may say, for those by whom the ordinary business of the Treasury is now managed, its control is supreme, or, at all events, fully effective, and no Committee that examined the management of this branch of the service would have any reason to be dissatisfied with my right hon. Friend the Chancellor of the Exchequer. But this control varies very much. Some portion of the expenditure—that, for instance, charged on the Consolidated Fund—is entirely out of the control of the Treasury, and comes under the review of the House. But besides the Consolidated Fund charges, there is a large amount of charges with respect to which the control of the Treasury, though it exists, is less effective than it is in what I would call more happily situated branches of the public expenditure. In many cases the money expended is under the authority of general Acts of Parliament. In many other cases other authorities require to concur with the Treasury before any charge can be determined. The duties of the Treasury are formidable enough when those other authorities which have to concur with the Treasury are only Departments of the Executive. But sometimes personages much more formidable still than any Department of the Executive Government have to be consulted, and sometimes the Treasury cannot move without the consent of those exterior and far more formidable persons. Consequently, whatever the disposition and intentions of the Treasury may be—and I believe it will be found to have done its duty in the face of the vast amount of public expenditure—there are necessarily a great number of items in respect of which it is exceedingly desirable, first of all, that the Treasury should be supported by, and should receive some assistance from this House in the discharge of its difficult duties; and, secondly, that the House itself should do justice to itself by taking a more complete and comprehensive review of the Civil expenditure of this country than can possibly be done in the course of the annual Estimates. But there is a broad distinction to which I wish to draw the attention of the House between the Civil and the Naval and Military expenditure of the country. In every Session the House has the opportunity of considering the Military and Naval expenditure of the country as a whole. It is the duty of the respective Ministers to bring these Estimates forward as a whole, and the House has the opportunity of passing its judgment upon them in that aspect as well as pronouncing its opinion on their details. But with respect to the Miscellaneous Estimates and the Civil expenditure there is no such opportunity — they can only be presented and considered in detail and particularity. That being the case, I might go one step farther and point out to my hon. and learned Friend one branch of that expenditure with respect to which it is most fitting; and I should be disposed to claim my hon. and learned Friend's able assistance, because he not only appears in this House in the character of a financial reformer—and I do not care how much the Members of that class are multiplied—but he has elsewhere addressed himself to that important branch which forms, perhaps, the largest part of our Civil expenditure. I have pointed out generally those branches of the public expenditure in which the Treasury have the least degree of control, and in respect of which the greatest results might be expected to follow from the appointment of a Committee; but there is one of those branches in particular to which that observation applies, and with reference to which we should hope for the special assistance of my hon. and learned Friend—that is, the branch of our legal and judicial expenditure. Of that legal and judicial expenditure, I think I am justified in saying that it is the largest branch of all our Civil expenditure, and it is certainly that branch over which, considering it as a whole, the Treasury have the smallest amount of control. I think there can be no doubt about this. A very considerable portion of it is still charged on the Consolidated Fund—I believe not less than £500,000 or £600,000 —[Mr. HARCOURT: £646,000]—and another very large portion of it is so fixed under Acts of Parliament that, although it might be usefully placed under the review of the House with a view to prospective arrangements, yet it is practically exempted from the manipulation of the Treasury in the preparation of the Estimates. That field, if it were the only field, is one on which the labours of the Committee might be usefully employed. But I am bound to make another stipulation with respect to the Committee, to which, I think I shall have no difficulty in securing the assent of my hon. and learned Friend. The Committee must be appointed in the right sense. The appointment of a Committee of late years with respect to particular branches of the public expenditure, whatever its immediate object, has not been conducive to public economy, but quite the reverse. That is easily explained by reference to the fact that in general the desire to obtain a Committee has not been suggested by the economical considerations which have moved my hon. and learned Friend tonight, but rather by the feeling of some hon. Members or section of the House who thought that a particular class of public servants were hardly treated and underpaid, consequently a Committee has been appointed to consider this or that special branch of expenditure with an animus of increase. To appoint a Committee to survey a wide field of public expenditure with an animus of increase would be a most formidable process in regard to the public interest—a proposal to which I should be very loth to accede; but on the last occasion when the House took a proceeding of this kind the terms of reference to the Committee effectually defined the purpose for which the Committee was appointed—the purpose was not to see whether anybody had got a grievance, leaving anyone who thought he had a grievance to come and state it to the House—the purpose of the Committee was to see whether any and what reductions could be made in the expenditure. The last occasion of the kind was in 1848, and then the Committee on Miscellaneous expenditure were instructed to report—

> "Whether any reductions could, in their opinion, be effected, or any improvement made in the mode of submitting this branch of the public expenditure to the consideration of Parliament."

These last words had no reference to the present case, but to the state of the law and the practice at that date, when a large portion of the expenditure was either under the exclusive control of the Crown or charged on the Consolidated Fund. But if a Committee were appointed in order to lead the Motion of my hon. and learned Friend to some practical result, the proposal would be that the Committee should consider whether any and what reductions could be made in the Civil expenditure of the country. That is the suggestion I make. The effect of it, I think, would be very beneficial, and there is no matter in which it would be more advantageously employed than in that large branch of expenditure to which I have just adverted. I believe my hon. and learned Friend's own labours in such a Committee might be very advantageously employed. Having thus endeavoured to meet my hon. and learned Friend in what I hope he will consider no unfriendly spirit, we should be disposed not to cast on him the responsibility of conducting the Committee—as an independent Member we could not ask that of him—but only that he should lend his aid so far as in his power to the Government, who would, in fact, be responsible for the proceedings of the Committee. I will read the terms of the Motion which I would propose, and they will serve to embody and bring home to the hon. Members of the House clearly the views of the Government. We do not desire that the Committee should be appointed absolutely with reference to one branch of the expenditure, but that it should be appointed with special reference to those branches of the Civil expenditure where the ordinary system of control through the

Treasury is least effective and least applicable. I would propose—

> "That a Select Committee be appointed to inquire whether any and what reductions can be effected in the expenditure for Civil Services (other than the National Debt and the Civil List), whether charged on the Consolidated Fund or defrayed from Votes of Parliament, with special reference to those branches thereof which are not under the direct or effectual control of the Treasury."

I will not now move this as an Amendment. I would rather see whether my hon. and learned Friend is not disposed to accept the proposal as a substitute for his Resolution; but, if he is not, I reserve to myself full liberty to place it before the House at a later period.

MR. WHITE said, he had heard with pleasure the proposal of the right hon. Gentleman at the head of the Government, and, on the principle that half a loaf was better than no bread, he would recommend his hon. and learned Friend to accept it. He must say the assistance of his hon. and learned Friend would be most efficacious in the Committee, especially with reference to the expenses of Law and Justice, which during the last 10 years had enormously increased. He found that the annual charge for Law and Justice had, during the last 20 years, augmented by £2,500,000. That both Law and Justice were dear at the price must be inferred when we were told by the leading journal that our faith in the justice of our Common Law had been much shaken this very Term. And as to our Statute Law, was it not notorious that it was the standing butt of sarcasm for the eminent men who now presided in our Courts? Might not the obscurities, contradictions, and incoherence of recent Statute Law be attributable to the fact that we now had, in both Houses of Parliament, quite 120 members of the legal profession? The late Mr. Hume had done much in the cause of economy; but, at the end of his career, he was not himself disposed, he believed, to speak so highly as to the usefulness of his labours as they had been represented by the right hon. Gentleman (Mr. Gladstone) that evening. For his own part, he (Mr. White) had done his utmost since he entered the House to cut down the Estimates; but he, and those who supported him, had in that respect met with no very great success. As far as he recollected, during the last 17 years they had only succeeded in striking off the salary of a travelling agent of the National Gallery. Also the cost of a sinecure office in Edinburgh—which was, however, afterwards voted—and they had abolished an antiquated annual charge for roads in the Highlands. Again, after exerting themselves for many years, they knocked off an extra chaplain, or a church in the Embassy at Paris. [MR. GLADSTONE: It was a church, which the country paid for afterwards.] Indeed, they had but effected three or four trifling reductions, the result being that a few hundred pounds only were struck off the Estimates as the reward of their persevering efforts. Now, that was a result which was by no means encouraging, and he was reminded by it of the remark made on a memorable occasion by the right hon. Gentleman the President of the Local Government Board (Mr. Stansfeld), who declared that he looked, when in Committee of Supply, on the Estimates with a feeling akin to despair. The House, when the Estimates were discussed, consisted usually of but a very scanty number of Members; and when, as was often the case, the friends of economy were able to convince those who were present of the propriety of a particular reduction, they found themselves overwhelmed by the rush of other hon. Gentlemen from the dining and smoking rooms as soon as the bell rang for a division, and the Government were thus able to have their own way. Some years ago, Sir George Bowyer had made a Motion, which he had seconded, to the effect that, when Votes were taken in Committee of Supply, those outside the House should be excluded from the divisions; but that Motion had not been accepted by the House, and there was consequently very little encouragement to pursue the course for which the right hon. Gentleman at the head of the Government seemed to have so great an admiration. Although he had suggested to his hon. and learned Friend near him to accept the proposal of the Government, he (Mr. White) must add that he was strongly of opinion that the time had come when the Army and the Navy Estimates ought to be previously investigated by a Committee of the House. In the case of the Senate of the United States, as well as the Representative Assemblies of France and Italy, there were times when the Governments of those countries deemed it to be their duty to refer questions of policy and armaments to Select Committees, who sat in secret. He saw no reason, for instance, why, a few years ago, when under the rule of the late Emperor Napoleon things looked menacing in France, and it was deemed expedient to increase our military and naval Estimates, there could have been any objection to take some such course as he recommended, for he was sure that a Committee composed even of hon. Members sitting below the gangway would have been glad to give the Government all that they deemed to be necessary to meet the position of affairs. As to our Civil Service Estimates, there was no doubt that they had gone on rapidly increasing of late years. Irrespective of civilians in the military and naval Departments, he found they numbered now 43,569, and at an annual cost exceeding £8,000,000. He (Mr. White) believed that important economies might be easily effected in the Civil Service Department without at all impairing its efficiency. Speaking of the higher grades, or rather the better paid clerkships in the Civil Service, *The Quarterly Review* said—

> "As to the clerkships in some of the public offices, they have been so multiplied and so monopolized by young men of family and connection as to constitute a new description of aristocracy."

The time had arrived, too, in his opinion, when we should consider seriously the amount which we had to pay for our Colonies. At present we paid fully £1,000,000, he believed, more than we ought to pay towards the Civil, Military, and Naval Services of flourishing self-governing colonies, such as Australia, Canada, and the Cape. Indeed, the right hon. Gentleman at the head of the Government could hardly fail to support him in that view, for when examined some years ago before a Committee of that House on Colonial Military Expenditure, he (Mr. Gladstone) said that no community which was not permanently charged with its own defence was a real community, and that the burdens and privileges of freedom were inseparably associated. To show how economies might be effected in other respects, he found to his great surprise that now there were no copying presses in many of the departments, and that a vast amount of unnecessary expense was in consequence incurred in the performance of very trifling duties. If the Committee about to be appointed would only take the evidence of some Prussian official, they would learn that work of the kind was done in Prussia at a quarter the cost, and better done than in this country. In the collection of the revenue, by the utilization of the time of Custom House officers—now "eating their heads off" in idleness—in many of our outports to collect the Inland Revenue, there was a wide field for economy. On Mr. Horsfall's Committee, which sat some years ago, much evidence was given as to the facility, economy, and expediency of a consolidation of the Customs and Inland Revenue Departments. The proposed plan might be briefly described as involving the amalgamation of the two departments under one management, a fusion of their subordinate branches in all cases where the duties performed were analogous to each other, the abolition of all unnecessary offices, and a simplification of the system so as to make it intelligible and less onerous to the public generally. As a specimen of the state of things which existed in many of our outports, he might state that it appeared from a Return he (Mr. White) moved for in 1870, that the gross amount of Customs duties received at, as against the total cost of, certain stations was as follows:—Skibbereen, gross amount received, £402; total cost of establishment, £757; Westport, received £503, cost £376; Campbeltown, received £2, cost £369; Lerwick, received £17, cost £594; Aberystwith, received nil, cost £805; Cardigan, received nil, cost £432; Wells, received £2, cost £464; Maldon, received nil, cost £844. Not to be invidious, he had selected two ports in England, Ireland, Scotland, and Wales respectively. In conclusion, he earnestly recommended the hon. and learned Member for Oxford to accept the offer of the Government for the appointment of a Committee to inquire into the cost of the Civil Service, because he believed much good would result from its investigations.

Mr. SCLATER-BOOTH wished to make an observation respecting a statement made by the hon. Member for Manchester (Mr. Jacob Bright), and which was one that was often heard in that House—namely, that the only mode of dealing with the expenditure of the country was by a Resolution of this kind, and not by challenging the Estimates. While fully admitting the difficulty of effecting any actual reduction in the amount of the Estimates when they were under discussion, he thought the practice of challenging them when before the House was a most wholesome one, and one that was calculated to keep down the general expenditure and keep the Departments in order. The fear of being cross-questioned in respect of the Estimates was a most powerful instrument in the hands of the Treasury in dealing with the various Departments. The Government had made an appeal *ad misericordiam* to the hon. and learned Member for Oxford; and they suggested to him that he should accept the appointment of this Committee on the Civil Service Estimates in place of pressing forward his Resolution. Such a Committee might certainly be of much value, but only if it were appointed under two conditions. For such a Committee to be of the slightest use it must not only be initiated but it must also be directed by the whole force and power of the Government. If the Government would point out the weak places in the Civil Service Estimates the Committee might strengthen their hands most materially and much good would result. Another condition of equal importance was that the Committee should not traverse over the whole of the Civil Service Estimates, but apply itself to something practical, and should not spend too much time over its investigations. The effect of a Committee which prolonged its labours over several Sessions and heaped volumes on the Table of the House, was—instead of being useful—to bring Committees of this kind into contempt. He therefore trusted that if the appointment of this Committee were to be sanctioned its inquiries would be begun at once, and be conducted with activity to an early and speedy issue. If these two conditions were kept in view, he should be very glad of the appointment of the Committee, although the investigations of the Committee which had sat 15 years ago to consider this subject had not resulted in many economies being effected in the public service. He did not know in what light the hon. and learned Member for Oxford would view the matter; but it did not appear to him that either his speech or his arguments had been met by the proposal of the Government; because by far the most effective part of his speech was that which related to the excessive increase in the Army Estimates during the past three years. It did not seem to him that either the condition of the country or the requirements of the service could justify an expenditure upon the Army of £14,800,000 in time of peace, especially as the motive which induced the House two years and a-half ago to assent to an increased Army expenditure was of such a transitory character that before Parliament met again it had entirely passed away, and also when it was recollected that sum was exclusive of the cost of the abolition of Purchase and of the expenses attendant upon the localization of the forces. Under these circumstances, unless he heard from the right hon. Gentleman the Secretary for War a statement, in anticipation of his speech to be delivered on Monday next, to the effect that it was his intention to propose a large reduction in the amount of the Army Estimates for the ensuing year, it would not seem to him that a satisfactory answer had been given, and he should scarcely know how to vote in the event of this Resolution being pressed to a division. He might add that he regretted he had not followed the right hon. Member for Oxfordshire (Mr. Henley) into the lobby last year when, on the Army Estimates being challenged by an hon. Member on the opposite side of the House, the right hon. Gentleman had stated his inability to support them in their swollen condition. In his opinion, if the present Government had failed—which he thought they had—to redeem the pledges they gave in 1868 to reduce the expenditure, it might partly be attributed to the fact that they had commenced their economies at the wrong end of the service. They had dealt very severely — he might almost say cruelly—with writers and clerks, and had disestablished a great number of petty officers whose grievances had since found expression in the public Press; but yet the Government had not succeeded in effecting the large and important reductions which had been looked for at their hands. The power of the Government in regard to such petty matters as he had mentioned was sufficient; and he trusted that if this Committee were to be appointed, it would direct its attention to the discovery of means of bringing under the control of the Government, and so indirectly under the control of the House, those officers of the Civil Service who now were independent of it. He could assure the hon. and learned Member for Oxford that hon. Members who sat on the Opposition Benches were by no means so indifferent as he supposed to questions affecting the national expenditure.

MR. AUBERON HERBERT expressed his surprise that the right hon. Gentleman at the head of the Government should have quoted Mr. Hume as an authority in favour of expenditure against Mr. Cobden as an authority in favour of economy; and he begged to remind the right hon. Gentleman that men like Mr. Hume did not start up in that House every day. He was glad the Government were prepared to take some steps towards economy; but he had some misgivings about the appointment of this Committee, because the object of bringing forward this abstract Resolution was to force upon the Government the fact of their responsibility in this matter. It was impossible for individual Members to attempt to reduce the expenditure of the country. It was not a question of details which had to be considered, nor of effecting a reduction in this or that item, but of large reorganizations in great Departments, for which the Government were responsible. America for years had been not simply paying her way, but, to a great extent, reducing her Debt. We had been going in an exactly opposite direction. He was certain that the country would, in a short time, insist that the Army should not be allowed to continue on its present footing. He believed it to be the most expensive institution which this country had ever set up, and that it was utterly untrustworthy and utterly unsound as regarded the very end for which it was created and maintained; and he should like to know whether the right hon. Gentleman the Secretary for War expected to maintain the present system of recruiting when wages were increasing in this country. We had had rather startling accounts lately in the newspapers of men who were so anxious to leave the service that they committed crimes in order to get rid of it. Was that healthy? Did it give us confidence in the Army? A rational plan ought to be adopted in this matter. Let 5,000 men, thoroughly intelligent and thoroughly respectable, be taken as our standing Army—let them be scattered throughout the whole country to teach and to train others. That should be the function of our standing Army, and he thought it would yield much better fruit than our present system, and be much more trustworthy. But the evil of existing arrangements would not be removed until business men, accustomed to the conduct of business in centres of commerce, examined the management of the Public Departments. As to the great Government Departments, in which the hon. Gentleman who had just spoken said that over 43,000 clerks were employed, he believed the work in those Departments was done in a most extravagant manner. It was said that a gentleman the other day offered to work one of these Departments at a cost less than a third of what it at present costs the country. He (Mr. Auberon Herbert) mentioned that circumstance to one of the permanent heads of another of these Departments, and he said that if he were allowed he would undertake to work his Department at a third of what it now cost. He thought there was a great quantity of work in public offices which might fairly be given to women. A considerable sum of money was wasted in a number of Returns and and blue books which were printed for hon. Members. It was notorious that every hon. Member of the House in the course of a Session got three or four circulars from different dealers in the City offering to buy blue books and pay for them so much per cwt as waste paper. Was that a creditable statement? Did any hon. Member read a 50th part of the blue books which were distributed to him? It was only a small reform; but he would venture to suggest that those blue books should be given only to those hon. Members who took the trouble of applying for them. It would be well if the Government resisted Motions for expensive Returns. He hoped also the attention of the Committee would be especially directed to the subject of abolition of pensions, for there was no reason for relieving Government servants from the prudential responsibility which fell upon other members of the community. In this country there was a growing dissatisfaction in that matter. It was asked, with great fairness, why should every clerk employed in a public Department receive his pension while no pension was given to the men employed in the dockyards? He thought it would be a great public benefit if pensions were abolished. The moral effect of pensions, he believed, was not good. He shared strongly the opinion of those hon. Members who believed that the Customs of this country was an extravagant method of raising revenue. It was said that for every 2*d.* we raised through the Customs we had in reality to pay 3*d.* He believed it was impossible to over-rate the advantages of the additional stimulus which would be given to industry and enterprise of every kind if this country were made a free port to the world in every respect. In his opinion, there was no country which at the present moment could trust itself without great reserve in the hands of a large body of officials. Honesty, as regarded dealings in money, was not one of the virtues which flourished now in the world. It did not prevail in this country, nor yet in America. If there was one country in which he should have looked for honesty in this respect, it was Prussia; but he heard that very disagreeable disclosures were about to be made in that country also. The Prime Minister once said that the economy of a country was not simply the saving of so much money, but it was the measure of the morality in that country. Rigid economy on the part of the Government was the great safeguard against the growth of corruption, and it was also the one weapon in the hands of the Government for resisting the plausible projects which might otherwise be forced upon it, and for teaching the nation to rely upon its own resources and every class to look after its own interests. It was our bounden duty to abstain from expenses which were not absolutely necessary, and it was only by presenting a rigid and unswerving temper in dealing with the administration of the public money that we could make a right use of our revenues and preserve a right regard for the interests involved. He did not wish to speak disrespectfully of the Government in this matter. The great measures they had undertaken during the last few Sessions had, no doubt, prevented them from turning their attention fully to this matter; but he must remind them that pledges were given which had not been redeemed; that a lesson of economy was preached which had not been practised, and that some might feel the force of the words—

> "Sed illos
> Expectata seges vanis elusit aristis."

MR. MACFIE said, he could not agree that the Government had been remiss in the fulfilment of those economical pledges by which they came into power. Indeed, it appeared to him that the offer which had been made to-night by the Prime Minister ought to satisfy the country that that right hon. Gentleman's longings for economy were as great as ever they were, and that if the reductions had not been so great as expected, it was because the stars had been fighting against the Liberal party and the economists in this House. He was firmly convinced that the feeling throughout the country was that economy should be practised; but it should be economy in the right sense of the word. Reductions were not always productive of economy. What the country wanted was to get value for its money, and if they had to expend largely, it had only to be clearly shown that the expenditure was necessary and value had been returned for the money. The proposal of the Government was one which he thought the hon. and learned Gentleman (Mr. Harcourt) would do well to accept. Some hon. Gentlemen had mentioned certain Departments in which they thought economy might be practised. Might he mention one or two others? During the Recess he heard—and he believed the country heard with something like horror—the statement made by the Secretary to the Treasury (Mr. Baxter) of serious charges against certain gentlemen employed by the Government. He (Mr. Macfie) had not come to the conclusion that these charges were justified in the particular cases to which they related; but there was no doubt great readiness to believe that the charges might be true. He knew from commercial experience, and *on dits*, that bribery, *douceurs*, or jobbery did take place to the detriment of the public service and to the decrease of the revenue. One principle ought therefore to be adopted, which was that in our financial arrangements no person in the employ or service of the Government should receive directly or indirectly any advantage from the magnitude of contracts, or in fact from contracts at all. Another source of economy would be the consolidation of the Customs and Excise. He did not believe that Custom Houses were not of great use because their receipts were small. Custom Houses at small ports acted as guards to see that nothing was imported without paying duty, and afforded people engaged in business facilities to which they were entitled. Another small matter of economy was suggested by a Return granted on the Motion of the hon. Member for Edinburgh (Mr. M'Laren), from which it appeared that some £2,000,000 were spent in a most promiscuous and doubtful way in Ireland; whereas Scotland got a very small sum. He did not ask that Scotland should get more; but he considered that the two countries should be placed on a fairer footing as to hospitals, and the other items specified in the Return. Then there was the question of the Colonies contributing to the Imperial burdens. He believed that they would be glad to do so. As to the Army and Navy, he thought they might have come under the review of a Committee. He had recently been among his numerous constituency in Scotland, and he found that the feeling was that there should be no niggardly economy as to the defences of the country, but that the Army and Navy should be kept up in a manner to protect us, and repel any attempt at invasion. This was the feeling of most of the gentlemen in Scotland with whom he had come in contact. He was very glad the Government had proposed to appoint a Committee, and he trusted the hon. and learned Gentleman (Mr. Harcourt) would accept the Amendment.

Mr. G. BENTINCK, alluding to the thin state of the House, regretted that gastronomic instincts should have so far triumphed when a subject of such vast importance was under discussion. He had listened with great attention and interest to this debate. The question was of the greatest moment to this country, and having regard to our increasing expenditure and also our increasing poverty, a subject of greater importance could not be submitted to the House. Though the hon. and learned Gentleman (Mr. Harcourt) had made an able and ingenious speech, he did not properly meet the issue of the question he himself had raised. The hon. and learned Member quoted promises of successive Governments in favour of economy, which had not been carried out. Well, after all his experience in this matter, was the hon. and learned Gentleman prepared to pin his faith to the pledges which Government might give? If so, he would show an amount of faith, it might be even said of credulity, which was surprising. He (Mr. Bentinck) wished to speak with all respect of the consistency of hon. Members opposite below the gangway; but he could not forget that their policy had always been to lay the most obnoxious burdens upon the land, and that was a policy to which he could not agree. The Resolution pledged the House to what he believed to be impossible. The hon. and learned Gentleman had fully admitted the rise in the cost of labour and of materials, and he had amused the House when he spoke of paying for arbitration and yet maintaining armaments to fight the whole world. He would agree with anything the hon. and learned Gentleman might say as to the absurdity of paying for arbitration; but so far from our having at this moment armaments with which we could cope with the whole world, it was a moot question among those most conversant with the subject whether we possessed even the means of home defence. The hon. and learned Gentleman had talked of people with limited incomes, and the labouring classes feeling so painfully the weight of taxation. No doubt taxation did press very heavily on those classes; but it pressed with undue weight, too, on real property. But why did not the hon. and learned Gentleman deal frankly with the question at once? The whole evil against which the hon. and learned Gentleman complained was found in the unfair incidence of taxation. It was true that many felt the weight of taxation now, because no Government for years past had dared to grapple with the question, and because a great deal of the property of the country escaped taxation altogether. If they allowed the enormous amount of property engaged in commercial enterprises entirely to escape taxation, and in no way to contribute to the exigencies of the State or the requirements of the country, taxation would undoubtedly press heavily on certain classes of the public. The hon. and learned Gentleman would have done much better service to the country if instead of objecting to the expenditure, he had shown how it was to be met, or rather how the present onerous burden on one class might be fairly distributed. He hoped that at the proper time the question would be raised in a shape different from that in which it was put forward now, as it had been discussed in a tone which must mislead both the House and the country. The hon. and learned Gentleman must know that the expenditure could not be reduced. The hon. and learned Gentleman shook his head. Would he rise in his place and tell the House that the Army and Navy of this country were really in excess of their requirements? If the hon. Gentleman was prepared to do that, he would listen to the statement with equal regret and astonishment. It was admitted by hon. Members sitting round that we ought to have the means of defending ourselves. We had heard of "bloated armaments," but our armaments were certainly not bloated; on the contrary, they were reduced to the lowest possible point. The right hon. Gentleman (Mr. Cardwell) had devoted much attention to the subject, but had not yet arrived at that harmonious blending of our different forces which he promised, and it was now stated that nothing could be more unsatisfactory than the position in which our Army stood. But if the hon. and learned Member still maintained that our armaments were excessive, let him, as the Prime Minister asked, point out where he would make the reduction.

GENERAL SIR GEORGE BALFOUR said, he was of opinion that no more important subject than that under discussion could occupy the attention of the House of Commons. An impression prevailed among the people of the country that the national expenditure was excessive, and that considerable reduction might be effected without at all impairing the services. When he saw the Motion of the hon. and learned Member for Oxford on the Paper, he expected that the Government would have yielded to a proposal that the entire expenditure of the country should be inquired into; and he therefore could not but regret that the inquiry which was promised would not embrace those two great branches of the national service—the Army and the Navy—as he thought that a considerable reduction might be effected in the Army and Navy expenditure. It was, of course, the duty of a Government to decide upon their policy and to maintain it; but that Her Majesty's Government might do, and yet consent to the question, whether economy might not be effected in the Army and Navy, being thoroughly investigated. If it were, he could not but think that considerable reductions might be made. The great reforms which the right hon. Gentleman the Member for Pontefract (Mr. Childers) had effected in the Navy, and which he regarded with admiration, might well be the subject of inquiry; and he was sanguine that a considerable reduction might have been made in the military expenditure also. The right hon. Gentleman at the head of the War Department had also made great efforts to keep down expenditure; but, unfortunately, they had been to a great extent frustrated by the abolition of the purchase system. Nevertheless, he might still have been aided by an inquiry by a Select Committee. He believed it would be made apparent on inquiry that, notwithstanding the high prices of all kinds of supplies, the cost of our Army might be greatly reduced. The right hon. Gentleman's efforts would be much aided if it were ascertained whether the organization of the Army could not be altered with advantage, and whether an alteration might not be made in the military staff maintained for the Army. He ventured to hope that the right hon. Gentleman at the head of the Government, who had done such great things for the country in his financial arrangements, would extend the inquiry of the Select Committee to the present expenditure involved in the maintenance of the Army and the Navy, and to the whole national expenditure. They could not be blind to the great danger to the commerce and manufactures of the country, which arose from the present high prices of coal and iron. Should those rates continue, they must expect a considerable diminution in the income of the country. This should be met by a diminution of expenditure, and he believed that hon. Members who did not aid in the effort to secure economy and retrenchment would, when they sought re-election at the hands of their constituents, be doomed to disappointment.

MR. HENLEY said, he was one of those who believed that the expenditure of the country was excessive; and for this reason — that in 20 years it had about doubled. He could see no good reason for that fact; therefore he was glad that the subject had been brought before the notice of the House. If they deducted the expense of collecting the revenue and other matters which were paid out of the ordinary expenditure of the country 20 years ago, they would find the present expenditure about £65,000,000; while 20 years ago it was only £50,000,000; and if they deducted from that sum £35,000,000, the amount of the debt and other fixed charges which had nothing to do with the change in the value of money, there remained £15,000,000 which they had to deal with at that period. Now they had just £30,000,000 to deal with — deducting £35,000,000 from £65,000,000—because the charge for the public debt was pretty much now what it was 20 years ago. For his part, he could see no good reason why they were now spending £15,000,000 more than they were 20 years ago. The course which the Government proposed to take seemed to him a somewhat strange one. To use a common phrase, "they confessed and avoided." They admitted that something wanted looking into, and the way they proposed to look into it was to shift from themselves for a time —no man could tell how long or how short—all responsibility in the matter. They did more; they shifted from the House of Commons all responsibility, because, of course, if any question as to expenditure came to be discussed, the cry would always be, "Oh, that is for the Committee!" That was one way of getting rid of a troublesome thing; but there might be differences of opinion as to whether it was constitutional or not. He was glad the subject had been brought forward at a time when the country was prosperous. Englishmen when they had money in their pockets were very careless what they paid; but a different state of things might arise, and then they might witness very serious dissatisfaction in the country, if an excessive expenditure continued to go on. Were they getting sixpennyworth for every sixpence they spent? He did not think, from what had passed during the last few years, that any man could say that the great establishments of the country were in a satisfactory condition. They had constantly had very awkward disputes, to say the least of it, on the subject, and not unfrequently matters had taken place in that House which could not but lead one to think that our establishments were not in a very enviable state; and, if that were so, it made our excessive or large expenditure, whichever it might be, still less satisfactory. It was impossible not to feel that there was a growing impatience of taxation in respect of a very considerable element of our revenue. Those who like himself could recollect the year 1815, knew that when the pinch came £15,000,000 of revenue was struck off at one blow. The Government of the day declared they could not do without it; but somehow they did do without it. He hoped they should not have any such pressure on the country as existed at that time through the war; but certainly, without any such pressure, there was an unpleasant feeling growing up about that same tax, which made people then say, "I will pay no more." That feeling was growing up and strongly in many directions in reference to that very tax. What course the House would take in reference to it he knew not; but this he knew—that his hon. and learned Friend had done good service in bringing the subject of national expenditure under the consideration of the House; because, if they once got into a quiet habit of excessive expenditure, they might depend upon it that the day would come when the reckoning would not be pleasant for anyone who was concerned in it. He did not blame the Government, whatever party might be in power. Far from it. He believed it was the House of Commons that was to blame. For many years past the Government had been, he might say, kicked into expenditure rather than otherwise. He would be unjust if he did not say so; because he had repeatedly seen move after move from different sides of the House, all with the object of making the Government do something; and for the Government to "do something" always meant the spending of money. As to economy, it had been for many years past absolutely visionary. There had been nothing of the sort attempted in that House. Wisely or unwisely, the Government had put the Estimates into a great dictionary, and it was impossible for the House to deal with them. When there were 500 details they could not get men to agree about them, and that fact made hon. Members give up the discussion of the Estimates as a matter which was absolutely fruitless. That was the position they were in. The expenditure was, as he had said, double what it was 20 years ago, and he did not think there could be any good reason shown why it was so; therefore, he was glad the hon. and learned Member for Oxford had brought the subject before the House.

MR. LAING said, he was anxious that the subject should be kept out of the region of what he might call platform generalities. It was right, he thought, that an independent Member of the House who had had experience of what practical economy meant should be prepared, whether it was popular or unpopular to do so, to take his share of responsibility with the Government in opposing this sort of vague abstract Resolution. He agreed with the right hon. Gentleman at the head of the Government that Mr. Hume was a model for economists to study if they wished to do good service in this direction. It had been his fate both in public and in private life to have to cut down estimates and expenditure, and his experience was that real economy was to be arrived at by practical efforts of this kind, and not by abstract Resolutions, for he believed there could be no greater hindrance to the efforts of the real friends of economy than was furnished by general Resolutions of this description. In the first place, exaggeration always led to reaction. Charges of excessive and profligate expenditure, whereby the poor were taxed to provide sinecures for the rich, were untrue, and brought about a reaction which indisposed moderate men to look at the grievances which really existed, and to grapple with the means by which practical reduction might be effected. Such charges also placed the real friends of economy in a false position before the country, which might suppose that they were the advocates of extravagance, unless they lent themselves to the support of what they felt was a popular delusion. In this instance, he believed the charge of excessive and profligate expenditure to be exaggerated and untrue. The limits within which economy was possible were comparatively narrow; and hon. Members should keep in sight the considerations of public policy which governed expenditure, and should not lend themselves to any notion out of doors that this House sat for the purpose of supporting the Treasury Bench in a profligate outlay of public money. During the last 10 years the country had increased largely in population and wealth, and no little alarm had also been felt for the public safety, so that a higher rate of insurance against danger might be looked for; but the national expenditure could not be justly described as extravagant if it was found lower now than it had been 10 years ago. On looking over the Estimates he found the expenditure was less now than it was 10 years ago, although, in consequence of recent wars, it was necessary to pay higher for the insurance afforded by the Army and Navy. In 1861 the expenditure of the country, exclusive of the cost of collecting the Revenue, and exclusive of the cost of the Chinese War, was £65,356,000. In 1862 it was £66,304,000; whereas in 1872 the total expenditure, exclusive of the cost of collection, was £64,240,000, being £800,000 less than the average expenditure on the same objects 10 years ago. This was not all. Ten years ago we were spending in Terminable Annuities, going towards reduction of National Debt, only £1,837,000 a-year, while we were now paying £4,512,000 a-year in this way. Thus we were now spending £2,675,000 more a-year than we did 10 years ago in the form of Terminable Annuities towards the reduction of Debt, such payment having been entirely optional on our part. Had we only been paying in 1871-2 the same amount of Terminable Annuities as we were paying in 1861-2, the total expenditure of the country on similar objects would have been, not £800,000, but nearly £3,500,000 less now than it was 10 years ago. This was a proof, not that economy was not desirable, or might not be possible, but that claptrap appeals such as these to ignorant prejudice out-of-doors had no real foundation. What other country in Europe could point to a similar reduction of expenditure? The hon. and learned Gentleman declared we were going to the bad because in the first five years of the last decade more taxes had been taken off than were taken off in the last five years. This was quite true; but on analyzing the account you found the explanation was perfectly simple. During the five years before 1861 we had been involved in Chinese Wars, the extra expenditure on which amounted to £6,000,000. In 1861 this expenditure came to an end; and, of course, the Government were able to repeal the extra taxation which had been imposed to meet those expenses. Then there was a period of great buoyancy in our commerce and revenue, which lasted down to 1866, when the panic came. A period of stationary revenue succeeded for several years, besides which we had to meet the cost of the Abyssinian War. What could be more obvious than that Parliament was unable to repeal taxation during the last five years of the decade to the same extent as during the first five years? Moreover, hon. Members should not leave out of sight the great events which occurred in 1870. A war which then broke out in Europe on a gigantic scale, and led to the greatest surprises, brought home forcibly to the people of this country the necessity of greater preparations against sudden inroads by great military Powers, who, by means of railways and modern scientific appliances, might be able to concentrate an overwhelming force for the invasion of our shores. He believed that the country saw that war in modern times had greatly altered in aspect; that a war was often decided in about six weeks; and that, therefore, it was necessary to stand in better preparation against sudden attack. Whether right or wrong, this was the feeling which existed strongly throughout the country, and he appealed to the House whether the feeling of the country was not stronger than the feeling of the Government, and whether pressure was not put upon the Government to go even further than they did go. It was such an experience as a merchant might have who saw a warehouse next door burnt down and naturally wished in consequence to increase his insurance. This was the explanation of the increase which was subsequently made in our military Estimates. But what were we paying altogether under the head of insurance, for this was what our Army and Navy meant? In 1863 the total expenditure under this head was £27,635,000; whilst in 1872 it was £25,803,000. Thus the tendency had not been towards progressive increase. On the contrary, in the Navy, thanks chiefly to the wise administration of his right hon. Friend (Mr. Childers), a substantial economy had been effected by adopting the simple and rational principle that our naval forces should not be scattered over the world, but, looking at modern conditions of warfare, should be concentrated in the Channel, where they might be available either for home defence or for distant expeditions. The secret of real economy would be found in measures of this kind. Experience had taught him that it was not by vague Motions, but by laying down plain, common-sense principles, by a close and accurate study of details, by a wise administration, and by weighing each case upon its own merits alone that we could arrive at a lasting economy. One of the maxims to be borne in mind was that the keystone of economical expenditure was a sound foreign policy. A mistaken foreign policy that involved us in war might cause an expenditure of tens or hundreds of millions before we knew where we were. Even if it stopped short of war and brought the country into a state of suspicion and hostility to our neighbours, it would of necessity involve us in very large and extravagant Estimates. A wise, conciliatory, yet firm foreign policy was worth, in point of economy, all the declamation ever heard in Hyde Park or anywhere else to the end of time in reducing expenditure. The next important element in economy was a consistent policy, which brought our establishments as far as possible into the right lines, and then tried what could be done in the way of reduction, so as, however, to secure the greatest efficiency. Changes, even if beneficial, very often caused expenditure in the first instance, and if not beneficial they were a frightful source of expense. Even the change in the Army which had recently been carried out, and which it might be right to make, was likely to involve the country, for some time at least, in considerable expense. The Government had undertaken greatly to increase our military power, and to free us from periodical panics, yet at the same time to reduce the military Estimates. He did not see, however, how the House could hope to obtain additional efficiency in our military establishments without some increase of expenditure. If the Government accomplished such a result without a considerably increased expenditure, he, as a warm economist, should feel satisfied. Another maxim was that efficiency was the basis of all economy. There was no more fertile source of expense than the penny-wise and pound foolish policy of reducing and impairing the efficiency of the Government establishments one year in order to have to undo another year what had been done, and at three times the expense. Another general rule was if they were making reductions to reduce men and establishments rather than the pay, and never to pay the men they employed below the market value of their labour. His final point, and it was the great secret of economy, was to be found in the right selection of men for the different Departments. Get the best men who were to be found, give them large powers and responsibilities, and then judge them by results. Red tape was the most expensive luxury a country could indulge in. If the Government saw any advantage in a Committee he should not object; but he would rather trust to the Ministers responsible for the Departments, who were anxious for economy, and to their permanent staff, than to any Committee of the House of Commons. The danger was that the inquiry would simply end in the Committee having to pass and endorse the Estimates, and in their relieving the Government from responsibility. He would not give much for the gleanings of economy in the Civil Service after the present Chancellor of the Exchequer and the Secretary to the Treasury had gone over them. In his recollection of the Treasury far more had been done by permanent officers of a department, assisted by some Member of the Government, instituting an inquiry into the expenditure of some one specific branch or department. If, however, the Government thought they would like to have a Committee, he should prefer that Amendment to the adoption of any such vague and abstract Resolution as that of the hon. and learned Member for Oxford.

MR. VERNON HARCOURT said, he did not think it necessary for him to reply to the criticisms of the hon. Gentleman who had just sat down, who had proved to be more Ministerialist than the Minister. If the hon. Gentleman had made any criticism at all on his speech, he should say that he had been very severe on abstract Resolutions. What the hon. Member preferred to abstract Resolutions and general maxims, he left it to the Ministers whom he patronised to say. When he laid down the maxim of a good foreign policy without saying what a good foreign policy was, the hon. Gentleman himself must decide his own meaning; but whatever might be a good foreign policy, they could at least understand what was conveyed when the hon. Member placed English finance on as satisfactory a basis as they saw existing in the present Indian finance. With respect to abstract Resolutions they had produced, if nothing else, a Committee. He had to thank the hon. Member for Orkney and Shetland (Mr. Laing) for kind and seasonable advice, and he had to acknowledge the kind tone in which the right hon. Gentleman at the head of the Government was pleased to speak of the Motion. The right hon. Gentleman said it was difficult to define an abstract Resolution. Well, there was a celebrated abstract Resolution, if possible more abstract than this, which produced a great effect on the country. It was, that the power of the Crown had increased, was increasing, and ought to be diminished. He did not mean to say that it had immediate Parliamentary operation; but it had immediate effect in changing the whole relation between the House of Commons and the Executive Government. The right hon. Gentleman, in pleasant terms, had recommended to him the example of Mr. Hume, and had held out a prospect that in time he might repeat some of the labours which that gentleman accomplished. It so happened that Mr. Hume died about the time at which he (Mr. Harcourt) began political life, and he had watched the career of Mr. Hume with great attention and admiration. Mr. Hume was not a young man in 1848: He had had a protracted Parliamentary experience, and he had perhaps become in his old age a little impatient for the reputation which posterity were about to award him; but in the year 1848—the year of the French Revolution—when perhaps questions of policy affecting public establishments were the most important that could be addressed to the House, Mr. Hume himself moved—

> "That it is expedient that the Expenditure of the Country should be reduced, not only to render an increase of Taxation in this Session unnecessary, but that the Expenditure should be further reduced as speedily as possible to admit of a reduction of the present large amount of Taxation."—[3 *Hansard*, xcvi. 1345.]

That was an abstract Resolution, and the Resolution was by the late Mr. Joseph Hume. If he were referred to the example of Mr. Hume, the right hon. Gentleman at the head of the Government must not complain if he preferred the later to the earlier manner. In some painters the early manner was best; in some the later manner was best. [An hon. MEMBER: What became of it?] What became of it? Why, what would most likely have become of his Motion to-night if he had pressed it to a division, which he was not going to. All Gentlemen below the gangway voted for it, and all on the Treasury bench and behind voted against it, and that was generally the fate of all Resolutions for the reduction of expenditure. What made it more important was that this Resolution was moved and decided on three days after a Committee had been granted to inquire into the public expenditure. Therefore, the fact was that Mr. Hume—who, it was said, never moved abstract Resolutions, or indulged in vague declamation about economy or reduction of the expenditure—Mr. Hume, about whom the right hon. Gentleman was pleased to lecture him, in 1848—the year of the French Revolution—actually moved the Resolution which he had just read to the House. The Prime Minister had apparently misunderstood him when he charged him with having held the Government responsible for the expenditure of the last six years. He had intended to consider the matter without regard to party, and to treat of the increased Estimates as characteristic of the epoch rather than of any particular Government. The statement of the Prime Minister that prices had risen would be no satisfactory explanation of increased Estimates to those who were most pinched by the taxes, because high prices pinched them too, and the Government could relieve them in no other way than by reducing national expenditure. He could not accept the proposal of the Government on the principle that half a loaf was better than no bread, and if he accepted it as a crumb, he must object to the limitation of the inquiry. He (Mr. Harcourt) had not had time to examine the precedents to which the right hon. Gentleman had alluded, but he might state that the Committee offered by Mr. Pitt was not a Committee restricted to the Civil Service; the great Committee appointed after the War was not so restricted. The Committee of 1817, in their Report, stated that they had proceeded to investigate the principal establishments in the country, beginning with the Army. The Committee of 1828 reported that they had thought proper to commence their proceedings with an examination of the Estimates of the Army, the Navy, and the Ordnance, because they expected by taking that course to report upon each of the branches of the expenditure before the Estimates came before the House. In the instance of the Committee which was appointed on the Motion brought forward by Mr. Hume, the Chancellor of the Exchequer moved for the appointment of the Committee to inquire into the expenditure of the Navy, Army, and Ordnance, and another Committee was appointed to inquire into the miscellaneous expenditure. That was just the time when the tranquillity which had ensued on the establishment of peace in 1815 was broken up, and there never was a time when there existed more alarm of danger from abroad. Now, was it to be supposed that satisfaction would be given to the public by the proposed inquiry? Never could more suspicion exist with regard to the naval and military expenditure, for it would be said that the Government were unwilling to inquire into those two branches of the expenditure, with respect to which the country was to be kept in the dark, and the demand for reduction would be greater than ever on account of the suspicion which would be created. Still the inquiry would not be fruitless; there was much in the Civil Service expenditure to be inquired into; but with reference to the charge for the administration of justice, he reminded the House that the increase in that item had arisen in the charge for prisons and police, and should be regarded rather as an increase in the administration of the criminal and penal law than in the charge for the administration of justice. With respect to the Inquiry, it would be in the hands of the Government; and if that Amendment was moved in opposition to his

Resolution, it would not become him to offer any opposition to it.

MR. CHILDERS said, that as the Prime Minister could not speak again, he would move the Amendment.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to inquire whether any and what reductions can be effected in the expenditure for Civil Services (other than the National Debt and the Civil List), whether charged on the Consolidated Fund or defrayed from Votes of Parliament, with special reference to those branches thereof which are not under the direct or effectual control of the Treasury,"—(*Mr. Childers,*)

—instead thereof.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived.*

Words *added.*

Main Question, as amended, put, and *agreed to.*

CIVIL SERVICE EXPENDITURE.—Select Committee *appointed*, "to inquire whether any and what reductions can be effected in the expenditure for Civil Services (other than the National Debt and the Civil List), whether charged on the Consolidated Fund or defrayed from Votes of Parliament, with special reference to those branches thereof which are not under the direct or effectual control of the Treasury."

And, on February 28, Committee *nominated* as follows:—Sir STAFFORD NORTHCOTE, Mr. VERNON HARCOURT, Mr. SCLATER-BOOTH, Mr. KIRKMAN HODGSON, Viscount CRICHTON, Mr. WHITE, Mr. RATHBONE, Mr. WILLIAM HENRY SMITH, Mr. M'LAREN, Mr. WEST, Mr. FREDERICK STANLEY, Mr. HERMON, Mr. RYLANDS, Mr. RAIKES, Mr. CUBITT, Mr. MELLY, and Mr. CHILDERS:—Power to send for persons, papers, and records; Five to be the quorum.

VEXATIOUS OBJECTIONS (BOROUGH REGISTRATION) BILL—[BILL 37.]

(*Mr. Rathbone, Mr. Whitbread, Mr. Massey.*)

SECOND READING.

Order for Second Reading read.

MR. RATHBONE, in rising to move that the Bill be now read a second time, said, its object was to provide that a revising barrister should not strike a man's name off the register merely for non-attendance unless there was a *primâ facie* ground for making objection. To show the necessity of the Bill he would refer to instances of wholesale objection. In one case there were 8,000 objections, of which only 2,000 could be sustained; in whole streets, in certain districts, every name beginning with "Mac" or with "O'," which were presumed to be Scotch or Irish voters, had been objected to. Again, in a subsequent revision, out of 3,858 objections, only 158 were struck off on merits, and 2,867 votes were disallowed simply for non-attendance. If the Government Bill dealt with this evil satisfactorily, this Bill would not be proceeded with, and he would, therefore, put off the Committee until the Government Bill was produced.

Motion *agreed to.*

Bill read a second time, and *committed* for *Tuesday* 18*th March.*

SETTLED ESTATES BILL.

On Motion of Mr. STAPLETON, Bill to make certain alterations in the Law relating to Settled Estates, *ordered* to be brought in by Mr. STAPLETON and Mr. WHEELHOUSE.

DEFAMATION BILL.

On Motion of Mr. RAIKES, Bill to further protect Private Character against Defamation, *ordered* to be brought in by Mr. RAIKES, Mr. CROSS, and Mr. WHITBREAD.

Bill *presented*, and read the first time. [Bill 70.]

MINORS PROTECTION BILL.

On Motion of Mr. MITCHELL HENRY, Bill for the protection of Minors from fraud, *ordered* to be brought in by Mr. MITCHELL HENRY, Mr. HEADLAM, Mr. BUTT, Mr. SCOURFIELD, and Mr. CHARLES GILPIN.

Bill *presented*, and read the first time. [Bill 69.]

House adjourned at half after
Ten o'clock.

HOUSE OF COMMONS,

Wednesday, 19*th February*, 1873.

MINUTES.]—PUBLIC BILLS—*Ordered—First Reading*—Local Legislation (Ireland) * [72]; Municipal Franchise (Ireland) * [73]; Municipal Privileges (Ireland) * [74].

First Reading—Settled Estates * [71].

Second Reading—Married Women's Property Act (1870) Amendment [7]; Agricultural Children [8].

Third Reading—Epping Forest * [39], and *passed.*

MARRIED WOMEN'S PROPERTY ACT (1870) AMENDMENT BILL.

(*Mr. Hinde Palmer, Mr. Amphlett, Mr. Osborne Morgan, Mr. Jacob Bright.*)

[BILL 7.] SECOND READING.

Order for Second Reading read.

Mr. HINDE PALMER, in moving that the Bill be now read a second time, said, he would not on this occasion enter at length upon the property relations between husband and wife—that had been amply discussed in the debates upon the Bills introduced in 1869 and 1870; but he could not but express his regret at the absence from the House on important public duties of the hon. and learned Recorder of London, in whose hands the conduct of that measure would have rested had he been present, and whose intimate knowledge of its subject, together with his great personal weight and influence, would have served to gain for it a favourable consideration. Still, the principle of the Bill was so plain and so just as to commend itself to the common sense and reason of those who examined it. The question, moreover, had been fully discussed by the present Parliament in 1869 and 1870, and in the latter year the Act was passed which it was the object of the present Bill to amend. Substantially the common law of this country as to married women's property remained what it was before the Act of 1870, which professed to amend it. That law was that by her marriage the whole of a woman's personal property was immediately vested in her husband, and placed entirely at his control and disposal. By contracting marriage a woman forfeited all her property. This seemed, at first sight, an extraordinary and indefensible proposition. The present Chancellor of the Exchequer, in the debate on this question in 1868, said—"Show me what crime there is in matrimony that it should be visited by the same punishment as high treason." Mr. Mill, in speaking on this question, said that a large portion of the inhabitants of this country were in the anomalous position of having imposed on them, without having done anything to deserve it, what we inflicted on the worst criminals as a penalty—like felons, they were incapable of holding property. Now, they had heard much of the discrepancy between law and equity, and he did not think a stronger example of the contradiction between them could be quoted than in this instance relating to the property of married women. For the common law being, as he had stated it, the equity branch of our jurisprudence, took an entirely different view of the rights of married women in respect of property. And he might remark, in passing, that it was one of the strong recommendations of the Lord Chancellor's scheme of legal reform that it would put an end to this anomalous condition of things, by fusing together the jurisdiction of law and equity. By means of the Courts of Equity the wife's property, which would otherwise be forfeited to the husband, was protected from his control, and the same object was constantly attained through the medium of marriage settlements, which were really standing protests against the common law of the land. But poor women could not afford the expense either of having a marriage settlement, or of applying to the Courts of Equity; and the present Bill would obviate the necessity of their resorting to those costly modes of protecting their interests. The Bill, in fact, was specially designed for the advantage of women belonging to the poorer classes and to the shopkeeping community possessing comparatively small property. In 1868 the Secretary to the Admiralty (Mr. Lefevre) brought in a measure very similar to the present one, which, having been read a second time, was referred to a Select Committee, who however reported so late in the Session that the Bill had to be withdrawn. In 1869 the Recorder of London brought in his first Bill, based entirely on the same principle as that of the Secretary to the Admiralty. That Bill, in its turn, was read a second time and referred to a Select Committee, comprising several eminent lawyers, who most carefully settled its provisions; and the Bill he had now presented was substantially the same as the one which came from that Select Committee. The measure of 1869 passed through that House, and went up to the House of Lords, where it was read the second time, but there stopped. The Recorder re-introduced the Bill in 1870, when a rival Bill was also brought in by the hon. Member for Chester (Mr. Raikes), but one treating the question in a very partial and imperfect way. The Recorder's Bill was read the second time, while the rival Bill was rejected by a majority of 162. The former went up to the other House, where it was dealt with in such a manner as to destroy almost all the good that was in it. When it came down very late in the Session in that mangled condition, the Recorder accepted it under protest, because it still contained one redeeming feature—namely, a protection for the earnings of poor married women, but he intimated that legislation on the subject could not end with this Bill—that there remained much to be remedied, and that the Bill admitted principles which, unless it was supposed that bad husbands were only to be found among the poorer classes, must lead to a fuller and more complete measure. This was not the only protest against the legislation of 1870. The Attorney General admitted that there were so many defects in the Act of 1870 that it would be necessary to pass an amending Bill; and Mr. Dodgson, an eminent lawyer, who had drawn the Bill in charge of the hon. and learned Member for Coventry (Mr. Staveley Hill), also stated that it was full of blots and itself a blot on our statute book, and the most absurd Act he had ever read. One prominent fault was this—it contained a provision that no husband should be liable for the ante-nuptial debts of his wife, although by his marriage he had acquired under the law all her property; so that neither the husband nor the wife was liable as the law now stood for those debts, and the creditors were powerless. Another clause enacted that property coming to a married woman as next-of-kin in the case of an intestacy was to belong to her absolutely; but a large legacy or bequest to her would go to her husband. Suppose, for instance, a father to die intestate, his daughter being next-of-kin she would receive the amount, whether it was £200 or any larger sum; but supposing that next week her uncle died, leaving her a legacy of £5,000, that legacy would go—by forfeiture, as he might call it—to her husband. In fact, the Act of 1870 bristled with anomalies and absurdities. Its chief value was that it conceded the principle that married women ought to be entitled under certain circumstances to their own property. Instead, however, of starting with that principle, the Lords had framed a number of complicated clauses, providing that women might enjoy almost every kind of property—money in the funds, in joint-stock companies, or in a loan or a benefit or building society, and deposits in savings banks. This in a manner practically conceded the principle for which he was contending; but this concession was so hampered by special provisions and restrictions that it was almost impossible for poor women to avail themselves of them without employing a lawyer, which they could not afford to do. The power of separate trading would be a great boon; but there being no provision in the Act rendering married women liable to be sued for debts, the wholesale houses would not supply goods to married women carrying on business in that way. The present Bill sought to remedy the defects he had indicated, by providing that a married woman should be capable of acquiring, holding, alienating, devising, and bequeathing real and personal estate, of contracting and of suing and being sued, as if she were a *feme sole.* That was the only sound principle on which they could effectually amend the law. It might be urged again, as on former occasions, that it would be mischievous, in a social point of view, to make married women so independent in regard to their property; but that objection equally applied to marriage settlements and to the equitable doctrine carried out by the Court of Chancery, against the introduction of which, indeed, it was advanced, but without effect, centuries ago. The whole mischief had arisen through the Bill being dealt with in the other House on no intelligible principle. He expected to hear the stock objections against this Bill, but he hoped the House would not be influenced by them; but would not hesitate to reaffirm the principle which it had repeatedly sanctioned, and to make the law affecting millions of their fellow-subjects consistent with common sense, justice, and equity. He now moved the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Hinde Palmer.*)

MR. GREGORY, in moving that the Bill be read a second time that day six months, said, that he should certainly repeat the stock arguments against this measure, and if the arguments were rightly founded he did not see why he should avoid their repetition. He admitted that the Act of 1870 required very considerable alteration. He agreed with the learned gentleman referred to (Mr. Dodgson) who had shown to what extent he thought the Act faulty, by having embodied his views on the subject in the Bill now in charge of the hon. and learned Member for Coventry (Mr. Staveley Hill). There was a necessity for the protection of the earnings of married women among the lower orders; but it was a very different thing when they sought to deal with the case of married women of the higher classes, who could either protect themselves or would be protected by their friends. What was the ordinary course followed with respect to a married woman possessed of property? There was hardly an instance in which that property was not protected by the instrument under which it was derived or by a settlement made antecedently to the marriage. In almost all cases a settlement was drawn in this form. Supposing the parties to be on an equality, the first life estate in the property was given to the husband; on his decease it was given to the wife: a joint power of appointment was reserved to the husband and the wife among the children of the marriage; in default of the exercise of that joint power of appointment, it was reserved to the survivor; and in default of the appointment, the property passed equally among the children. However, they were now dealing with the Act of 1870, and the question was whether they were to extend its principle and operation. The hon. and learned Member (Mr. Hinde Palmer) said the wife's property became her husband's absolutely by the common law; but what was the reason and intention of that? First of all, there was the religious notion which regarded husband and wife as one person; and, secondly, there was the idea of the common law on the subject, that as the husband was liable for the debts of the wife and for the maintenance of her children he was entitled to her entire property. He had stated the common form of a marriage settlement. Even when that settlement was effected by an appeal to a Court of Equity, that Court took to a great extent the same view as if the parties were in the ordinary relations of life. It did not settle, as a matter of course, the whole property of the married woman to her separate use—it made, it might be, some provision for her separate use out of it; but that provision had reference to the position of the parties, to the ability of the husband to maintain her, and to his resources and state of life. A life estate in the property of the wife was always given to the husband unless there happened to be some great disparity in the position of the parties, or unless some apprehensions with respect to the character of the husband were entertained. The Bill, however, proposed that in all cases the life estate should be vested in the wife, and a course thus taken which was now regarded as being derogatory to the husband. There was, he might add, in the Bill nothing to provide for the issue of a marriage, while the 9th clause, which had reference to the mutual debts and obligations of husband and wife, was open to the greatest objections. It was a settled principle of law that for debts contracted by the wife for household purposes, for the maintenance of the children, clothing, and matters of that kind—when contracted by her as the agent of the husband, the husband could be sued. Under the 9th clause, however, the wife might be made liable, but then she could sue her husband again. He could hardly imagine a greater element of discord between them, and supposing the wife to have absolute possession of her own property, she might expend it without the slightest control on the part of the husband, and leave him in the position of being solely liable. He would merely, in conclusion, warn the House on the sacredness of the relations of married life and of the expediency of legislation with respect to them not proceeding so fast as had of late years been the case. The operation of the Divorce Court had, he was afraid, been to bring the marriage tie somewhat into ridicule; the habits of luxury in which society now indulged rendered many young men unwilling to take upon themselves the obligations of married life. He hoped the House would not add another element to deter them from entering into those obligations by introducing new seeds of discord, which might, and which he believed would, deter many honourable and worthy men from undertaking the liabilities which the marriage relation involved. Entertaining that opinion, he begged to move that the Bill be read a second time that day six months.

MR. LOPES, who had also given Notice to move the rejection of the Bill, rose to second the Amendment of the hon. Member for East Sussex—for his conviction was that if the Bill were to pass it would introduce distrust and ill-feeling where harmony had hitherto been found to prevail. He objected to the measure on every conceivable ground—he objected to the very form and title of the Bill. It was called a Bill "to amend" the Act of 1870; but it was not an amending Bill—it was an originating Bill. Hon. Members would be astonished when he told them that the Married Women's Property Bill of 1870 consisted only of 14 sections, and of those the measure under discussion would repeal 12; so that the hon. and learned Member who moved the second reading (Mr. Hinde Palmer) would have acted more straightforwardly if he had introduced a Bill to repeal the existing law. Of the incidental clauses the hon. and learned Gentleman now asked the House to insert, they were exactly the same as were contained in the Bill of 1870, in the discussion on which Lord Penzance had said they—

> "Would give a married woman the same rights of possessing and dealing with property, and of contracting obligations with third persons, that an unmarried woman enjoyed; while it nevertheless left untouched her status as a married woman. It left untouched her right to be maintained by her husband; she would be able to spend her property anyhow she liked, without any obligation of contributing to the expenses of the household; and when it was dissipated she would be entitled to the support of her husband and to pledge his credit for necessaries."—[3 *Hansard*, ccii. 603.]

He wished, before going further, to state what the common law was previous to 1870 with regard to the husband—and he was not aware that it had been substantially altered. In the absence of settlements, the personal property of the wife became vested in the husband—leaseholds to a limited extent—while of real property he was entitled to the income during his life, the wife having the ultimate destination of the property. If he survived, and she had children capable of inheriting the property, he would become entitled to a tenancy for life. In return for those privileges the husband, on his marriage, immediately became liable for the debts contracted by the wife before marriage, and after for her support and for that of her children, not only by his marriage with her, but by any previous marriage. He became liable to pay her debts and to indemnify against civil wrongs which she might have committed before or since the marriage, while any property which he might become possessed of during the coverture was liable for her dower. He could not see in such a law anything which justified hon. Gentlemen in calling a married woman a slave down to 1870. He, on the contrary, was of opinion that her position was an enviable one. It was true that she gave her property to her husband; but she was, on the other hand, shielded by the common law from hostile interference, and when a crime was committed by her in the presence of her husband she was presumed to have committed it under his influence. Not only, in short, was the common law not unduly harsh in the case of the married women previous to 1870, but it was entirely in accordance with the feelings of the people of this country, and proceeded on the intelligible principle that the wife was the weaker vessel, and that it was only proper that the husband should be at the head of the establishment. Well, that state of things the hon. and learned Gentleman (Mr. Hinde Palmer) proposed to change; but everyone of the clauses which he had brought forward with that object had been eliminated from the Bill which had passed in the House of Lords. He quite concurred in the opinion that no worse Act of Parliament than that of 1870 had ever become law; it was so full of defects that, he believed, it could be interpreted neither by the Judges nor by anybody else. That was no good reason, however, why he should assent to such a measure as that now under discussion. The hon. and learned Gentleman asked the House to agree to changes which would permit a married woman to have complete and absolute power to alienate her property, to sue and be sued, and to enter into contracts. What would be the practical results which would follow such an alteration of the law? He would give a few practical illustrations how the law stood under the present Act, and how it would stand under the Bill. A married woman was to have complete and absolute power of alienating her property, to have the power of suing and being sued, and of contracting. The practical effect of such a state of things might be this—Suppose a husband and wife living together in a house which was the property of the latter, and that they had some slight difference: the wife might say to him, "This is my house and I would much rather you would leave it." If he did not leave it, she would be enabled to bring an action of ejectment to turn him out. The husband might be expelled from the house one day and somebody else brought into it the next. Again, she might bring any action on contract she thought fit against her husband. Let the House fancy a husband and wife, plaintiff and defendant, sitting down to breakfast and passing a considerable portion of the day together, and the wife then going out to consult her solicitor and coming home to dine with her husband. What a pleasant state of things that would be! There was another anomaly which would arise under the operation of the Bill which provided that a husband should not be liable in damages for any wrong committed by his wife. Let him suppose that a lady driving a carriage ran over somebody through negligence. Under such circumstances, there was now a remedy against the husband; but under the Bill there would be no remedy at all in the event of the wife not having any property. A wife, again, under the Bill might contract with the outer world—she might trade on her own account without the consent of the husband. Let the House imagine the husband a grocer and the wife setting up a shop in the same street and taking a partner whom she called a cousin—her partner need not be a woman, and might not be a cousin at all. These were not overdrawn cases; they were likely to occur; and if they were not likely to occur, yet when the House was testing principles it was proper to press those principles to their result. Suppose, again, that a husband and wife had each £500 a-year, and that they sent their children to school; suppose the wife took them to school, who was to pay for them? The same thing applied to servants: he doubted whether if a wife engaged a servant the husband would be liable for her wages. But the hon. and learned Gentleman said that he was merely seeking to do by the Bill things which were every day done by the Court of Chancery. He would remind him, however, that the object of the Court of Chancery was not to protect the wife against the husband, but to protect her against her own imprudence and against the imprudence of the husband; while the essential object of a settlement was to provide an inalienable provision for the children of the marriage. But if this Bill became law, the woman might dissipate every shilling of her property to-morrow. The experience of America was appealed to in support of the Bill; but the case of the two countries was entirely different. It was the old mistake of applying to an adult a remedy because it had been found to suit the constitution of a child. He would remind the House that the happy homes of England had been fostered by the law which it was sought to alter, and which had existed over 1,000 years; and he ventured to express a hope that it would not give its assent to a measure which was calculated to destroy that good feeling which it was so desirable should exist between husband and wife.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Gregory.*)

MR. OSBORNE MORGAN, in supporting the second reading of the Bill, said, that the alternative before the House was either to accept the present Bill or to repeal the Act of 1870. The latter Act was no more than a feeble compromise—and as to the arguments that had been urged against the Bill that day, to the effect that it would produce discord in married life, they were to be found again and again embalmed in the pages of *Hansard.* Indeed, the hon. Member for the University of Cambridge (Mr. Beresford Hope) had gone so far as to say that a proposal such as that now made would result, if passed into law, in turning England into a bear garden and every woman into a shrew. Would it be believed that such language was applied to a measure which simply sought to give women that protection without which no hon. Gentleman whom he addressed would allow his sister or daughter to embark on the sea of marriage? As to the argument advanced by the hon. and learned Gentleman who had just sat down (Mr. Lopes), that under the Bill a wife might bring an action of ejectment against the husband, she might do that as the law now stood —not, indeed, by an action of ejectment, but by bill in Chancery. Every objection, he might add, which had been urged against the Bill was met by the doctrine of "separate use"—a doctrine which, in the Court of Chancery, had been found to operate exceedingly well for the protection of the wife, and which did no harm to anyone. The Bill merely sought to establish the broad principle that marriage did not, like treason or felony, work a civil forfeiture; and he could not help thinking that it was opposed by some hon. Members not so much because of what, in reality, would be its effect, as because of that to which they feared it would lead—the development of the "women's rights" question, and looming behind that a Parliament in petticoats. He, however, believing the matter to be just and right, should give it his cordial support.

Mr. BOURKE said, he would gladly see the Act of 1870 repealed. He thought his hon. and learned Friend who had just said that this Bill proposed to do nothing more than could be done by a bill in Chancery, had fallen into some mistake, because a woman could not now do many things which were proposed by this Bill without consent of her trustees, and he was sure no trustees in the world would allow her to do what was proposed to be done under this Bill. There was one point of view which had been overlooked — he meant the injurious operation of the Bill in the case of creditors. A wife might, for example, enter into a business apart from her husband, might fail, take all the money she could realize back to her husband, to whom she might say it belonged, and the creditors would have no remedy. On the social aspect of the question he would not dwell, beyond saying that it had on a former occasion been very well illustrated by his hon. Friend the Member for the University of Cambridge, to whom the hon. and learned Gentleman had just referred, and whose warning he hoped the House would remember, for it was, he believed, founded on true wisdom.

Mr. SHAW LEFEVRE said, that as the Bill before the House was almost identical with the Bill which he introduced in 1868, he hoped he might be allowed to state why the House should not be satisfied with the Act of 1870; but should accept the more complete measure now under discussion. The Bill of 1868 was carried only by the casting vote of the Speaker, and was referred to a Select Committee. The object of the measure was to remedy the evils which resulted from the then state of the law, under which all the unsettled property of the wife passed to her husband—a state of things which operated very hardly especially among the poorer classes, where it was not unusual for all the little property the wife possessed to be swept away and squandered by the husband. The Committee were of opinion that the wife ought to be protected, not by extending the rules of equity, but by a radical alteration of the common law itself, by preserving for the wife all the power she would have had over her property had she remained single. In 1869 the Bill was again introduced by the hon. and learned Member the Recorder of London, and the subject having been more fully considered was passed on the second reading without a division, and was again referred to a Select Committee, by whom it was again thoroughly discussed, and the Bill having been carried by a large majority, it went up to the House of Lords, where it met with a very different fate, and became so altered as to be scarcely recognizable. He doubted whether in the Statute Book there was any Act so badly drawn, so faulty, and so absurd in many of its details as the Act of 1870. He trusted that those Judges who had recently inveighed from the Bench against hasty legislation would remember that the Act of 1870 was exclusively the handiwork of the Law Lords of the House of Lords. Among its many defects, however, it presented one great and important advantage —it recognized for the first time the necessity of protecting the wages and earnings of married women; and in order to secure this advantage the measure, as altered by the House of Lords, was permitted to pass when it came down again to this House. The measure, however, was accepted as an instalment, in the belief that Parliament would not refuse on a future occasion to remedy its manifold defects. The Bill now before the House was identical with that passed by the Committee in 1869. The difference between the Act of 1870 and the present Bill was this—for the House of Lords having admitted the grievance of the law previous to 1870, that Act must be accepted as the existing law on the subject, and the House must therefore compare the present proposals with that Act—the Act of 1870 permitted married women to sue, but it did not permit them to be sued. It recognized the right of a married woman to property of whatever amount which she might receive as next-of-kin to an intestate, or under a deed or will, provided the sum bequeathed did not exceed £200. He could see no reason why these arbitrary limitations should have been fixed on. It was admitted on all hands that the law could not remain as it was, and the only question therefore before the House was, would they accept the Bill now before them, or revert to the old state of things which existed before the Act of 1870 was passed? Some hon. Members had entirely mistaken the law as to the liability of the husband to support his wife and children; it was not that he was compelled to support them according to their station in life, but merely that he should keep them from going upon the parish.

Mr. GREGORY remarked that the husband was liable for necessaries supplied to his wife and family.

Mr. SHAW LEFEVRE replied that there the question of agency was involved, not the legal liability of the husband for the support of his family. Under these circumstances, the Bill was right in throwing upon the wife the same liabilities which the husband now had. Besides the fact that the Act of 1870 was unintelligible, it was but little known among the poorer classes, and it was only by making a measure like that equally applicable to all classes that a knowledge of it would spread downward. The House had denied to women the right to exercise the franchise; but, certainly, there was some foundation for the demand for the franchise in the complaint that women were not fairly treated by the legislation of Parliament. He trusted, therefore, that this measure, which would remove certain acknowledged grievances of women, and which dealt with the question in a broad and simple manner, founded on equal justice, would be accepted by the House.

Mr. STAVELEY HILL said, that the question before the House was reduced to a very simple issue. The position of those who supported the Bill under consideration was that a husband and wife should be separate as regarded property, torts, and all dealings with the outside world. The view of those who approved the Act of 1870 as it would be amended by the Bill he was bringing forward was, that while the property of the wife should be protected against the creditors and the extravagance of the husband, the marriage relation should in all other respects be preserved. The evidence which had been taken before the Committee which had been appointed on the Motion of the hon. Member for Reading (Mr. Shaw Lefevre) had shown what was the existing state of the law upon this question in America. Mr. Cyrus Martin Fisher, a member of the Virginian Bar, stated that the law in his country before 1840 was the same as the law of this country, and that at that date it had been brought into the state in which it would be here if this Bill passed; that—

> "Although the wife had unrestricted control over her own property, she was not liable to contribute in any way towards the support of her husband and children—because the American idea was that every part of her property should be appropriated to the support of the wife; that every man ought to be clever enough to support his wife without her assistance; that she might squander her property how she liked, even on another man—a circumstance which might probably cause some domestic unpleasantness, but nothing more—and that, whatever might be the condition of the husband, his wife was not bound to do anything towards his support."

That was the law in America, and he should be sorry to see it made the law in England by passing this measure. The Act of 1870 contained one flagrant defect. While it effectually protected the wages and earnings of married women as their own property, it contained a defect, and it was to remedy this defect that he proposed his "No. 2 Bill." He agreed with the hon. Member opposite (Mr. Shaw Lefevre) that the provisions of the Act were not sufficiently known among the poorer classes; but he hoped that this debate would be the cause of their becoming more widely known than they were at present. One of the great dangers that would result from the Bill becoming law was that it would induce married women to set up fraudulent claims as against their husbands' creditors. The defect in the Act of 1870 was to be found in Clause 12, which enacted that the husband was not to be liable for his wife's ante-nuptial debts, and that the wife herself was not to be liable for them beyond the amount of her separate property. The consequence was that as property without settlement passed to the husband on marriage and he was not liable for her ante-nuptial debts—and her property was not liable unless it was settled to her separate use—great opportunity was afforded for raising fraudulent defences to just claims. That defect the hon. Member proposed to meet by Clause 9 of the present Bill; but it seemed to him impossible to say that that section of the Bill would remedy completely this defect of the Act of 1870. When the hon. Gentleman (Mr. Shaw Lefevre) said that the law declared it to be only necessary for a husband to keep his wife and children out of the workhouse, he would remind him of the numerous cases in which the law held that a husband was liable for all necessaries supplied to the wife according to her station in life. The Bill of the hon. Member for Lincoln (Mr. Hinde Palmer) was calculated to establish distinctive relations between the husband and wife as regarded the external world, but not to remedy the defects of the Act of 1870, against which he (Mr. Staveley Hill) provided by the Bill which he had introduced to the House.

MR. W. FOWLER submitted that they ought to proceed upon one of two principles—either to revert to the old law, which gave everything to the husband, subject to settlements in equity, or to proceed with a measure which dealt separately with the rights of the husband and wife. He dissented from the opinion of the hon. and learned Member who had just spoken (Mr. Staveley Hill) that this Bill would affect the marriage tie. The real fact was that the marriage tie after the passing of this Bill would remain precisely as it was now. Hon. Members opposite did not object to the Act of 1870 so far as it went—they did not object to the earnings of poor married women being protected. Why, then, did they object to give protection to a woman who had property? The Act of 1870 created a distinction between two classes, and in so doing proceeded on no principle whatever. What was wanted was an Act of Parliament which would proceed upon an intelligible principle. While in the case of a poor woman protection was granted at once, in the case of a rich woman protection could not be obtained without going to a lawyer. There was no reason for this difference except that arising from a vague idea that if the present measure should pass there would be such a divergence of interests between husband and wife as to lead to discord. He thought that hon. Members had not shown that such would be the case. They said that great difficulties would arise; but under the present law painful disputes were continually arising between these parties. He knew instances in which most flagrant injustice to married women had been committed by their husbands because the law did not extend its protection to the wife. He knew a lady of very considerable property who married without a settlement. Every farthing she had was swept away in a few weeks, and she was obliged to apply to her relations for help. One would have imagined that such injustice was impossible in a civilized country. Hon. Members opposite who objected to this Bill because they feared that the change proposed would lead to additional disputes seemed to forget that the Court of Chancery gave to a wife all the powers which this Bill would give to her. ["No!"] The Court of Chancery had been always trying to make up for the defects of the law in this respect by requiring settlements upon the wife from her after-acquired property; and it gave to her immense powers over her settled estate, and looked upon her as a single woman even for the purpose of making a will under a power. Did hon. Members opposite ask the House to say that a state of things which permitted gross injustice produced harmony in families? Injustice could not produce any good in any family in the Empire. Was it right or wrong that a married woman should lose all those rights which she had as a single woman simply because her husband was bound to provide necessaries for her? The Court of Chancery, where property had been settled upon a wife, protected her rights—the supporters of this Bill asked for a Parliamentary and universal settlement by which all wives should have control over the property which they possessed without going to the Court of Chancery for it. He, like the hon. Member for Reading, was one of those who doubted the expediency of granting the franchise to women; but he thought they should be anxious to abolish any part of the law which inflicted injustice upon women who were not directly represented in that House. He thought the Act of 1870 had not improved the law—on the contrary, he thought it had confused it—it was based on no principle, and was altogether a muddled piece of legislation. This Bill, on the contrary, was founded on a sound principle, and therefore he heartily supported it.

Mr. WHEELHOUSE confessed he always felt great hesitation in differing in opinion with the hon. Member for Lincoln (Mr. Hinde Palmer) on a legal question. It appeared to him, however, that there were errors of misconception as to what was really the law upon this matter, and what was proposed to be done in the way of altering or amending that law. He had listened with attention to the observations of his hon. and learned Friend the Member for Coventry (Mr. Staveley Hill), and it was his impression that, in commenting upon the provisions of the Bill then before them, he said he thought it was calculated to affect "the marriage relations of husband and wife." His hon. and learned Friend did not mean "the marriage tie." If it were true, as stated by the hon. Member for Cambridge (Mr. W. Fowler), this Bill proposed to do little more than was at present done by the Court of Chancery—then it appeared to him that there was no use for any Bill of the kind whatever. If, on the other hand, it was a Bill, as he took it to be, to change the entire relations of the marriage life, then, he submitted, that they ought to hesitate before they affirmed its principle in so thin a House as the one before them. He agreed with the hon. Member for Cambridge that it might possibly be desirable to revert to the legislation antecedent to 1870, always, however, retaining the 2nd clause of the statute then passed, which he deemed invaluable; but let them not believe that in the Act of that year it was intended to make, or did make, any distinction between the rich wife and the poor wife, with regard to her earnings or her personal property. The words were "any woman." It might be that the husband should not be allowed to take from the wife her own personal property; but it was obvious that under the Act in question, if the husband and wife chose to act collusively, the honest creditor might be defrauded of his property, whilst the husband and wife had still ample means at their disposal. The Bill, so far, appeared to be altogether one-sided. It was said that the Court of Chancery interfered to guard the wife against the improvidence of the husband; but, as it seemed to him, this was only half-stating the question, insomuch as it interfered to guard against the improvidence of either, or both, when it declared that the wasteful extravagance of the parents should not be needlessly entailed upon the children.

Mr. DICKINSON said, the main argument against the proposed change in the law—that it would alter the relations been husband and wife—was extremely speculative. He did not believe that the happiness of married people depended to any great extent on the law of property. Where two persons were about to be married they generally allowed their relations as to property to be settled by the lawyers. He however thought that the question involved, being a very large social one, ought to be viewed in a common-sense light, and not altogether to be left to lawyers to determine. Was it sound or just that by the fact of marriage the wife's personal property should become the property of the husband exclusively? Surely no Legislature of women would ever sanction such a law as that. The Equity Courts from the earliest times had interfered to prevent the enormities of the common law in this respect. Why should there be any difficulty in altering the law in this respect because the Court of Chancery had been hitherto acting as legislators upon the question? He thought it was the duty of that House to protect the wife's personal property as her own exclusively, and to leave the parties to make whatever settlement they thought proper upon marriage.

Lord CLAUD HAMILTON confessed his anxiety, on behalf of the humbler classes, to see some such measure as that before the House passed into law, inasmuch as he thought it would promote the welfare of thousands of homes. He should, therefore, heartily support the second reading. The Act of 1870 had but imperfectly carried out its objects, and it was of the greatest consequence that that Act should be amended, as every one who heard the speech of the hon. Member for Reading (Mr. Shaw Lefevre) must, he thought, admit that the Act of 1870 could not be referred to as a piece of sound or useful legislation. Security for the earnings and wages of the wife should be given in the most simple form possible, and the law thus established ought to be made accessible to every one without any heavy legal expense. It was no doubt true that by the law of England a man was bound to support his wife and children; but it too often happened that the husband squandered all his means in drunkenness, debauchery, and dissipation of every kind. In those cases the law should step in to protect the wife and children from the misconduct and extravagance of the husband. He thought that they ought to waive any fanciful objections or prejudices in respect to the supposed danger of interfering with the present law of marriage in connection with the respective rights of husband and wife, when they recollected that there were thousands of cases in which the fruits of the hard industry of the wife were squandered away by profligate and brutal husbands.

MR. MUNTZ said, he believed that every Member of the House was of opinion that the Act of 1870 was extremely imperfect, and required revision; but the question here was whether the present Bill was, as it purported to be, an amendment of the present law, or whether it opened up an entirely new scheme of legislation. For his own part, he believed that this Bill, if carried, would create great difficulties in all the domestic arrangements of life. It would cause antagonism between those who we were taught to believe were one. If the property of wives were dissipated by husbands, that was the fault of their friends in not taking care that proper settlements were made. Taking the Bill as it stood, however, property might be dissipated by the wife as well as by the husband; and while all sorts of remedies were proposed to prevent tyranny on the part of the husband, no safeguard was provided against collusion between husband and wife. A wife's money might be put into a business, and as long as the business prospered, the profits would go to the firm; but, if bad times came, the money might be withdrawn, and the creditors might not get a farthing in the pound. In some parts of Europe the law even gave priority to the wife over other creditors; and he knew of one case in which, out of $100,000 of assets, the wife took $80,000. Unfortunately, things were done by commercial men when in distress which they would be shocked to do in prosperity, and creditors were defrauded in consequence. If the Bill passed, stringent clauses should be introduced with a view to prevent collusion of this nature; but, believing the Bill to be imperfect, believing that it would lead to a great deal of mischief, and open the door to much collusion, he should vote against the second reading.

THE ATTORNEY GENERAL said, he wished to explain shortly the reasons which would induce him to vote for the second reading of the Bill. It had been assumed that the House was now asked to make a material change in the principles upon which the English law had hitherto been administered. Even if this were so, and if the ancient principles of our law were bad and unjust, it would not be a good argument for adhering to them to say that they were old. But the change now proposed was not only good in itself, but had authority in its favour. Our law of property—especially between husband snd wife—grew up in times when personal property was practically non-existent. The law, therefore, then concerned itself solely with landed property. Down to the time of Henry VIII., and the Statute of Wills, a married woman was well fenced round from the influence of her husband by the ordinary operation of the law; because during coverture her landed property was absolutely inalienable, and no will could be made respecting it. Married women thus enjoyed a considerable amount of protection, though not all that might be desired—there was none of that absolute delivery into the power of the husband of everything the wife possessed which had become the law of England since personal property rose into importance. Such absolute dominion exercised by the husband over the wife's property was not the principle of English law in olden times, but was rather a modern abuse. They were, therefore, now doing nothing contrary to ancient authority in giving the woman in respect of personal property a considerable amount of power, which for many centuries she possessed over real property. This being a Bill to amend the law, the question was, did the House think the existing state of the law satisfactory? For his part, he was not satisfied with the law now affecting the property of married women. Moreover, every man of sense acted as though he were dissatisfied with it; because, upon the marriage of any woman in whom he was interested, he took care to except her from the operation of the general law by means of settlements. Each of the settlements operated as a *privilegium* contravening the general law; and was it not right to provide for married women generally the protection which every prudent man secured for his daughter by means of trustees and the Court of Chancery? The existence of trustees and of the Court of Chancery was a standing argument against the existing law, for the Court of Chancery would have nothing to do but for trusts and settlements which were not in accordance with the general law. But if the Act of 1870 embodied a sound principle, why not carry it further? Why say that £500 which a wife made or to which she succeeded should be protected, and that £500 to which she became entitled by way of legacy should not? The Act of 1870 protected the wife's earnings, and raised up the same grounds for dissension between man and wife which were alleged against this Bill. But the principle having been conceded in 1870, he saw no sense in stopping there. He could not see why hon. Members who said that the principle of the Act of 1870 was sound should now refuse to carry it to its legitimate result. Now, the question was—did this Bill go too far? Clauses in the present Bill, and among them Clause 9, might be open to criticism; but the substance of the Bill was contained in Clause 1—that a married woman might hold, acquire, and alienate property, and sue or be sued, as if she were unmarried. Why not? She enjoyed this right now in certain cases, and might hold railway shares if she took the trouble to register them in her own name. Why, in common sense, could she not equally hold them if they were not so registered? No doubt extreme cases might be cited, but they did not test the Bill fairly. The opinion of Lord Penzance had been quoted, and in a certain class of cases the authority of Lord Penzance was unrivalled. But in what class? The experience of Lord Penzance had been chiefly gained in a Court where he had to deal entirely with quarrelsome, disgraceful, and unhappy marriages; and of course he saw, to use a colloquial term, "the seamy side" of marriage. He did not see—and no Judge ever did—the hundreds and thousands of marriages which, under any state of the law, while men and women remained what they were, were and would be happy to the end of the chapter. Settlements would continue to be made under any change in the law. Persons would be able to make what private arrangements they liked before marriage, and in nine cases out of ten where there was property they would continue to do so. But in cases where a woman without this protection fell into the hands of a husband who unjustly and improperly tried to make away with her property, this Bill would protect her. A clever woman had said that, by the law of England, husband and wife were one person, and that person was the husband. He did not see why if a woman had property, she should not enjoy the rights of property like everybody else, or why even a husband should take away from the wife that which was her own. Protect the husband from the wife's debts, improve the law in this respect; but he hoped the House would not reject a Bill against which none but theoretical objections could be urged, and which was founded on the principle of the old law of England.

Mr. RAIKES thought the hon. and learned Gentleman had somewhat misapprehended the opinion given by Lord Penzance, who said there was no commoner cause of violence and cruelty by the husband than the possession by the wife of some little money which she was able to retain: yet this was the class of cases which the hon. and learned Gentleman sought to make universal. He regretted that the House had heard nothing to-day about the systems which prevailed in France and other European countries with regard to the property of married women, for these systems were more applicable to this country than the example of America. He thought, also, that in a commercial country like ours the arguments of the hon. Member (Mr. Muntz) deserved greater attention than they had received from the hon. and learned Gentleman. We had not only to consider social comfort, but the commercial security which was necessary to protect traders against collusion and fraud. He gave Notice that if the Bill were read a second time he should move in Committee to confine its operation entirely to cases in which the wife should have obtained a protection for her own property.

MR. HINDE PALMER, in reply, said, that it appeared that the principle of the Bill was admitted, and the only question was how far it should be carried. He submitted to the House that the Bill would not by any means carry it too far.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 124; Noes 103: Majority 21.

Main Question put, and *agreed to*.

Bill read a second time, and *committed* for *Friday*.

AGRICULTURAL CHILDREN BILL.

(*Mr. Clare Read, Mr. Pell, Mr. Akroyd, Mr. Kay-Shuttleworth, Mr. Kennaway.*)

[BILL 8.] SECOND READING.

Order for Second Reading read.

MR. CLARE READ, in rising to move that the Bill be now read a second time, said: I should, in the first instance, state that the measure is substantially the same as that which received a second reading on the part of this House last Session. It is, indeed, almost identical with that Bill—perhaps I ought to say too identical, at least, in one respect, for we have, by an oversight, omitted to alter the date at which we propose that the Bill should come into operation, and I need not say that that date should have been 1875 instead of 1874. The main principle of the Bill consists in the proposed application of the Factory Acts, in a mitigated form, to agricultural children; but in regard to agriculture, we say that employment in farming operations being essentially healthy we do not suggest that the Factory Acts should be so applied for the purpose of restricting the employment of children in field work, but rather with a view to the improvement and advancement of their education. The only instance in which we think that agricultural children may be exposed to hardships is that of their being employed in what are termed agricultural gangs, and in that case we propose to amend the Agricultural Gangs Act, and to provide that no child shall be employed in these gangs until he shall have attained the age of ten years instead of eight, which is the age mentioned in that Act. The first important clause of the Bill which I now have the honour of asking the House to read a second time, is that which says that no child shall be employed in agricultural work until it has reached the age of eight years. When the Bill of last year was under the consideration of the House, the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) immediately detected, with his Argus eyes, one little defect which, in the present Bill, we have endeavoured to remedy. The right hon. Gentleman pointed out that the Bill as it then stood would prevent a man who might happen to be digging potatoes on his allotment from being assisted by his child under eight years of age. Now, in the Bill before the House we have included everyone who is the occupier of more than one acre of land, and, consequently, the Bill will not be applicable to mere garden ground or small allotments occupied by farm labourers. I may here at once tell the right hon. Gentleman and the House that we are desirous of applying the provisions of this Bill to small farmers, because, of all those who are engaged in agricultural occupations, they are the class who most frequently and largely employ the services of young children, and who, at the same time, pay least attention to their education. This, at any rate, has been our experience, and our opinion on this matter is backed up by the Report of the Commissioners by whom the subject has been investigated. We also propose that every child, between the ages of eight and ten, which is employed in agriculture, shall require a certificate that he has made 250 attendances at school during the preceding 12 months, and that from the age of 10 to that of 12 it should have a certificate showing that it has made 150 such attendances. This, I believe, is on all fours with the Revised Code, and will secure the Parliamentary grant. It may be asked why did we not extend this principle still further in accordance with the provisions of the Factory Acts? Why have we not extended it to the age of 13 years? My answer is, that I do not think there is any reason why a child which has reached the age of 12 should not have received ample education. I do not see why we should insist on more than this—that a child should be able to read and write and do sums in the first four rules of arithmetic; and I am of opinion that at the age of 11 a child who has been early and regularly sent to school ought to have accomplished all this. In illustration of what I am advancing, I may state that there is a boy upon my farm who is assisting his father in attending to my bullocks. This boy can do sums in vulgar fractions, and I am sure that he could pass a school examination better than I could, although that, perhaps, may be no great commendation for him, and he is just 12 years old. I say, therefore, that we only want the adoption of the minimum we have named in the Bill, and there would be no reason why those parents who have the means and the desire to do so, should not continue to send their children to school until they are 13 or 14 years of age. Well, Sir, it may be urged as an objection to the Bill that eight is too tender an age for a child to be set to work in the fields. I admit that, as a general rule, children of eight years are not wanted in agriculture, in which they are seldom or never employed until after that period; but we think it would not be wise to alter the Factory Acts and the other statutes, which start with the age of eight. We believe that if we were to depart from the general legislation in this particular, and were to introduce any other age as the starting point of this Bill, the consequence would be that the children would be employed in other industries which might be much more prejudicial to their health. I have reason to believe that if this Bill should pass the second reading and get into Committee, the main discussion that would engage the attention of the House would be as to the relative value of certificates of attendance at school and certificates of proficiency. Those who are in favour of certificates of proficiency say that if we simply act upon attendances, we shall be adding what will really operate as a dead weight upon the school, and that boys who have simply to go through a certain number of attendances will not be likely to make any effort to become efficient. Personally, I have not the least objection to both of these systems being resorted to—that is to say, that if you happen to have a clever boy in a school, and he should be able to satisfy the examiners as to the progress he has made, he should have a certificate given to him, although he may not have made the number of attendances required in other cases. But, Sir, I have a particular objection to boys being "crammed;" and I believe that, as a rule, you may back the steady drudgery of attendances against efficiency otherwise attained. However, I am quite content to leave this point to my hon. Friend the Member for Hastings (Mr. Kay-Shuttleworth), whose name being upon the back of the Bill affords, I think, a sufficient guarantee that we mean this to be a thoroughly good educational measure. I have been asked why we have been induced all of a sudden to start this Bill? I may say, in reply to this, that anyone who has been engaged, or who has taken the least interest, in the education of the agricultural labourer must have been aware for years past that some measure of this description has been urgently needed; but it was not until the passing of the Elementary Education Act that we obtained a fitting opportunity for introducing such a Bill as the present. Now, however, we may hope to see in a few months—certainly in a few years time—the whole kingdom covered with schools. Every little parish will have its school, and upon this point I may add that as I was looking at the Norfolk papers a fortnight since, I found that the Education Department were insisting upon three parishes in that county providing school accommodation for—how many children does the House suppose? In one case the provision is required for seven children, in another case for five, while in the third the accommodation is wanted for the extraordinary number of three! Sir, I cannot expect that the right hon. Gentleman the Vice President of the Council on Education will do more than give us, on this occasion, his silent assent. I do not think that he will give us a very willing assent, because he has not yet laid his contemplated Amendments in connection with the Government Education Act before the House; but I trust that he will to-day, as he did last year, allow the Bill to be read a second time. If the right hon. Gentleman has any Amendments to make, I trust that he will make them when the Bill is in Committee; but I must say that if the scheme of the Government, with which we are bye-and-bye to be favoured, be in favour of direct compulsion, I am strongly of opinion that however well that process may suit the towns it will not, at any rate at the present moment, suit the country. It may be in store for us in the rural districts that in every village we are to have a school rate; but should this be the case, I assert that even under school boards we shall necessarily have a most irregular system of compulsion. And supposing you delegate this compulsory power to the Boards of Guardians, I question very much, in the first place, whether they will undertake them; and, in the next, I am quite sure that if they do they will be administered very laxly and very indifferently. The only efficient plan of compulsion seems to me to require the action of some tyrannical central power in London, and that is a proposition which I am quite certain we in the country would resist to the very utmost. But when we come to the question of indirect compulsion, the case is altogether different. You may lead the British Lion a great deal more easily than you can drive him, even if he assume the shape of an agricultural labourer. By this Bill we do not in any way interfere with the good parents; we only desire to bring indifferent and selfish parents to a proper consideration of the requirements of their children in the matter of education. We contend that their own self interests will induce them to do what is necessary, and therefore we are in favour of the principle of indirect compulsion, believing that the irresistible persuasion of the pocket is much more likely to succeed than any harsh measure of direct compulsion. There is a gentleman, who has recently written to *The Times*, and with whom I never before agreed in opinion, whom I am glad to be able to quote on this occasion—I allude to Canon Girdlestone. I hope that, as we can agree upon this point, it may not be the last on which our opinions may concur. Speaking upon the question now under consideration, Canon Girdlestone says—

> "Although direct compulsion may be difficult or even impossible, nothing would be easier or more successful than indirect compulsion. Let the parents find that by law every farmer who employs a child under a certain age, or without a school Inspector's certificate of a certain amount of efficiency, subjects himself to a penalty, and the schools in the rural districts will soon be full. The wish for employment and wages for their children will do what no amount of zeal on the part of school managers can do—namely, overcome the apathy of parents."

I, for one, must entirely endorse that opinion. There is in this Bill a suspensory clause, and I was very sorry last year to see that my hon. Friend the Member for Scarborough gave Notice that he should move the rejection of a similar clause in Committee. I confess I was astonished to find that a country gentleman, who is himself a distinguished agriculturist, did not appear to know that in certain seasons of the year it will be necessary to suspend the operations of a Bill like this. It is well known that during the time of harvest our schools are entirely shut up, and surely it does not signify when there is no instruction to be had at school, whether the children are at work in the harvest field or whether they are at play. But there are other districts, not connected with that in which my hon. Friend resides, such as those in which hops are grown, in which it is very essential that every available child, however small or ignorant, should be employed for the purpose of securing the hops. There are also in all parts of the country extensive market gardens and orchards, where it is absolutely necessary that the fruit should be gathered within a certain time to prevent its being spoilt. In these cases, children come from a considerable distance, and it is well that power should be vested in the magistrates to suspend the operation of the Bill during such exceptionally busy periods of the year. It may be said on the other side by some of those who are known as ardent defenders of women's rights, that we have, as usual, made no provision in this Bill for the education of girls. But as girls seldom or never —at least in the districts with which I am acquainted — go out to field work, this Bill will not affect them. We have no complaint to make with regard to the education of girls as a rule. They are sent to school early, and are kept there a sufficient time to enable them to acquire a good education. I admit that now and then, in a large family, the oldest girl is kept at home to nurse the baby or to attend to certain household duties; but I say, on the other hand, that to teach them a useful knowledge of domestic matters is far preferable to sending them where they are taught fancy work and such other nonsense as is taught in many of our girls' schools. But, Sir, we were told in the debate of last year that this Bill would not work properly, because it did not provide for the appointment of Inspectors. It was said that the Act, if passed, would prove a failure, because some other Acts have failed in consequence of the omission to appoint such officers. The cases of workshops and brickfields were referred to; but surely a school is a totally different thing to a workshop or a brickfield. No one except the master of a workshop or a brickfield would take any notice of the children employed in those places; but in a village school there is always some busy person who would be sure to find out where the children who ought to be at school are sent to work. Therefore, as we have public opinion at our back, and as moreover the school managers are in our favour, the Bill is one which I hope and believe will work well without there being any necessity for the appointment of Inspectors. At any rate, I can only say to the House, give the measure a trial, and if it is found that it will not work we can then come back to Parliament and ask that salaries should be provided for Inspectors. Sir, the hon. Member for Brighton (Mr. Fawcett) gave Notice last year that before the Bill went into Committee he would move a Resolution to the effect that the number of attendances it proposed to exact were not adequate. Of course, it is simply a matter of opinion whether the provision made in this respect is or is not adequate; but I believe we have adopted the number of attendance provided by the Revised Code; and therefore I apprehend that in the opinion of those who are best qualified to judge—I refer to the Education Department—they may be taken as pretty nearly adequate and sufficient. We have tried in this Bill to stem an evil which I fear is on the increase. We have schools everywhere, and we find that they are not half filled, while the children who should attend them are playing about the roads instead of receiving the education of which they are in need. I believe, Sir, that a mild and moderate measure like this is more likely to be well received, and to produce the object desired, than any harsher enactment would be. I am quite aware that some employers may not like the Bill. A great many persons may consider that it is an interference, and an unnecessary one, with the employment of juvenile labour. There are also some parents who may, and I dare say will, feel its operation rather sharply at first; but I think that after due notice, many of them will be induced, some for one reason and some for another, readily and cheerfully to obey its provisions. I trust the House will believe that it is with an honest and sincere desire to meet an evil which is spreading rather than diminishing, that we have brought forward this measure. And, Sir, if the Bill should become part of the law of the land, I trust it will be found to raise and improve the condition of the labouring poor in this country by giving to every child in the agricultural districts a full, sufficient, and thoroughly religious education. I beg to move the Bill be now read a second time.

MR. AKROYD, in seconding the Motion, said, he was glad there was some prospect of correcting the anomalous state of the law, by which agricultural children alone were exempt from control in the matter of education and labour. Last year his right hon. Friend (Mr. W. E. Forster) not only did not oppose the measure, but expressed his obligation to the hon. Member (Mr. Read) for introducing it; he presumed he would give it his support this year also. He was happy to be able to concur in the opinion which had been expressed some years ago by the hon. Member for Birmingham (Mr. Dixon) in reference to factory education. The hon. Gentleman had recorded his sentiments in favour of the extension of the Factory Acts, in a modified form, to the agricultural community, with the proviso that the law should be suspended during harvest.

Allusion had been made to Canon Girdlestone's letter to *The Times*;—another letter on the same subject had appeared from Dr. Barry in the same journal, in which he expressed the opinion that some of the machinery of the Factory Acts was required to give complete efficiency to the London School Board's efforts in the matter of compulsion. There was much confusion between direct and indirect compulsion—there was no such thing as compulsion of the child; and he would venture to say that, in the strict meaning of the term, there was no such thing as direct compulsion under the Education Act, as the compulsion was directed upon the parent alone. How much more efficient, therefore, would the compulsion be if employers also were bound to take care that the children went to school! If a parent sent his child to school, and the child persisted in playing truant, the magistrate would not convict; he could not, because it would be unreasonable to expect the parent to do more than send his child to school; but if the employer also were bound over, you would have a double lever. He believed this measure, if carried out, would produce an immense change in the rural districts, and relieve school managers of one of their greatest difficulties—it would compel both the parents and the tenant farmers to take an interest in the education of the children—therefore he seconded the Motion with pleasure.

Motion made, and Question proposed, "That the Bill be now read the second time."—(*Mr. Clare Read.*)

MR. PELL said, that there were about 90,000 children employed in factories whose labour was regulated by statute, and 40,000 connected with agriculture who did not come under the operation of the Factory Acts. Two former attempts had been made to deal with this question. In 1867 the hon. Member for Brighton (Mr. Fawcett) introduced a Bill in which he did not prohibit work under eight years of age, but required children to attend alternate days at school. He had no hesitation in saying that in most rural districts that would be perfectly impossible. Then there was the Bill of Lord Portman, which required 240 attendances at school of 2½ hours every year between the ages of 8 and 13; but he (Mr. Pell) believed that the number of attendances was too large in the case of children over 10 years of age, while under that age it would not carry the grant. Apart from this Bill, the only other alternative they had was the establishment of school boards wherever there might be an insufficient amount of school accommodation. He should not wish to see that alternative put in force. An attempt to force school boards on rural districts would rather impede than advance the cause of education. There had been very few attempts to establish school boards in rural districts, where they were to a great extent unnecessary. Many hard things had been said about the squire and the clergyman; but they had hitherto been found to be the most practical and useful promoters of education. This Bill had been introduced with the general consent of the Chambers of Agriculture, and it provided compulsion in the least offensive form in which it could be applied. There was one special reason why some measure of this sort should be passed. It was a trying and distressing thing to parents whose children were going regularly to school to see the children of more apathetic parents working and earning higher wages because the supply for the labour market had been reduced by the attendance of their own children at school—in fact, at present the apathetic profited by the self-denial of the careful. They would not need Inspectors to carry out the Bill. In country life the clergyman, the farmer, and the resident in the village, were all inspectors, and knew very well what children were or were not going to school; and if they failed, no system of inspection would make the Bill operative.

MR. DIXON said, the hon. Member for South Norfolk (Mr. Clare Read) had described this Bill as an honest endeavour to give education to the working classes in the agricultural districts, and, believing that statement, he (Mr. Dixon) should not oppose the second reading of the measure. But he could not vote for it for two reasons. He considered the Bill a very weak one, and a very ineffectual method of dealing with a great evil. It would not touch children between the ages of five and eight years, and it could not either have any influence on children above eight years of age, who were not required to be set to work.

With reference to those who were to come under its operation, it did not provide any machinery by which it could be put into force. In the agricultural districts it had been alleged that the farmers were positively averse to education of the children. It had been stated that as the Factory Act had answered well in towns it ought to be applied to country districts. He did not deny that it had operated well in towns; but it had only touched a very small portion of the children. The promoters of the Bill had stated their intention of putting forward this Bill as a substitute for a complete one, and had stated that there could be no necessity for a compulsory measure. Now, in his own mind, direct compulsion was the only effectual way of dealing with this gigantic evil. If the Bill had been brought forward as an assistance to the compulsory system he should have accepted it; but when it was introduced in competition with, and in lieu of, the compulsory system he was unable to support it.

Mr. W. E. FORSTER said, the hon. Member for Birmingham (Mr. Dixon) had stated that though he could not agree with some of the remarks made by the proposer and seconder, he would not vote against the second reading of the Bill. In that the hon. Member showed his sincerity in the cause of education. But he was sorry that his hon. Friend could not vote for the second reading—not, as he understood, because of the actual terms of the Bill, but of some arguments advanced in its support. In the House of Commons, however, people must give their votes not so much from what might be the views of particular advocates of a measure, as from the actual meaning of the measure itself. He could assure his hon. Friend that if he believed that the passing of this Bill would commit the House to anything more than was contained within its four corners he would ask the House not to support the measure. By Her Majesty's gracious Speech the Government was pledged to bring forward such extensions and improvements in the Education Act as they thought desirable, and that he hoped shortly to be able to do. It would be impossible for him, therefore, to give his assent to the Bill if he felt that by so doing the House would commit itself to anything in opposition to the measure of the Government. At first he was disposed to ask the House to postpone the second reading; but, considering that this was a Bill to which the House unanimously assented last year, he gave a willing consent to its principle. He would not go further, because he would have to state the views of the Government, in regard to the amendment and extension of the Education Act, in a connected form on a future day. Direct compulsion had worked well in the factory districts; but he would beg his hon. Friend the Member for Birmingham to recollect that direct compulsion would be made easier where indirect compulsion was already in force. It was a good omen that this measure should have been brought forward by Gentlemen so intimately connected with agriculture as the hon. Members for Norfolk and Leicestershire. Thanking the hon. Members for having given the House the advantage of seeing their views on paper, and for having undertaken what he wished hon. Gentlemen would more frequently do—namely, to grapple with the difficulties of a knotty question by trying to draught their opinions in the form of a Bill—he hoped the House would assent to the second reading. He trusted his hon. Friend would not put the Committee for an early day, because he should wish before then to have an opportunity of explaining the measure of the Government.

Mr. MUNDELLA said, he had not the slightest intention to oppose the second reading. He was very thankful to receive at the hands of hon. Gentlemen opposite even this homœopathic dose. But he must protest against this Bill being, as it had been described by the hon. Member for Norfolk (Mr. Clare Read), a full and complete measure of education for the agricultural districts. It was not creditable to the House of Commons that they should be discussing such a paltry measure when other countries were so far advanced. In Switzerland he had met many persons from the Grisons, Uri, and other Cantons, who told him that they had not among them a child of 14 years who could not read and write well. The hon. Member for Leicestershire (Mr. Pell) represented a county partly manufacturing and partly agricultural, and five years ago this House had passed the Workshops Act; but neither the farmers, the squire, nor the parson, of whose zeal for education the hon. Member spoke so highly, had done much to enforce it.

Colonel BARTTELOT said, that the hon. Gentleman who had just spoken (Mr. Mundella) had, as usual, introduced foreign countries: but he (Colonel Barttelot) was one of those who was Englishman enough to think that we had done very well at home, and that we rushed too much after foreign countries. We wished to organize everything on a foreign principle, and then we found that we had done exceedingly badly. With regard to our Army, for instance, we had run first after the example of France and then after the example of Prussia. The hon. Member for Sheffield had said that the farmers, squires, and "parsons," as he called them, had done nothing for education. [Mr. Mundella: No, but that they had not enforced the Workshops Act.] But the parsons and squires had, at all events, done something for education. As we had the Education Act of 1870, and that Act had not yet had a fair trial, the House ought to pause before passing a measure of this kind. They ought to consider carefully whether they were not going to encumber the Statute Book with some extra legislation, for we were legislation-mad in this country; and if the House were shut up for a year or two it would not tread on the corns of so many people. There was only one apology for opening the House this Session, and that was that the new Rules of the Parks might be laid on the Table. He wished the hon. Member for Birmingham (Mr. Dixon) had spoken last night; he ought to have done so because he was one of those who desired to increase taxation by £5,000,000. [Mr. Dixon said that we ought to save £10,000,000 and spend £5,000,000.] The £5,000,000 would be sure to be spent, but the question would be how the £10,000,000 could be saved. There was not a man below the gangway last night who showed how the £10,000,000 could be saved, but they rode off with the promise of a Select Committee by the Government. He did not believe the right hon. Gentleman (Mr. W. E. Forster) would have assented to the second reading of this Bill if it was his intention to force school boards upon them throughout the country.

Motion *agreed to*.

Bill read a second time, and *committed* for *Tuesday* next.

LOCAL LEGISLATION (IRELAND) BILL.

On Motion of Mr. M'Mahon, Bill to facilitate the obtaining of powers for legislating on Public Local Matters in Ireland, *ordered* to be brought in by Mr. M'Mahon, Mr. Montagu Chambers, Colonel French, and Mr. Bagwell.

Bill *presented*, and read the first time. [Bill 72.]

MUNICIPAL FRANCHISE (IRELAND) BILL.

On Motion of Mr. Butt, Bill to assimilate the Law regulating the Municipal Franchise in Ireland to that regulating it in England, *ordered* to be brought in by Mr. Butt and Mr. Patrick Smyth.

Bill *presented*, and read the first time. [Bill 73.]

MUNICIPAL PRIVILEGES (IRELAND) BILL.

On Motion of Mr. Butt, Bill to extend to Municipal Corporations in Ireland certain privileges now exercised and enjoyed by Municipal Corporations in England, *ordered* to be brought in by Mr. Butt and Mr. Patrick Smyth.

Bill *presented*, and read the first time. [Bill 74.]

House adjourned at a quarter before Six o'clock.

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HOUSE OF LORDS,

Thursday, 20th February, 1873.

MINUTES.]—*Sat First in Parliament*—The Duke of Leeds, after the death of his father.

Public Bills—*First Reading*—Epping Forest* (19); Poor Allotments Management* (20).

HORSES—OUR SUPPLY OF HORSES.

ADDRESS FOR A ROYAL COMMISSION.

The Earl of ROSEBERY, in moving that an humble Address be presented to Her Majesty, praying Her Majesty to appoint a Royal Commission to inquire into the condition of this country with regard to horses, and its capabilities of supplying any present or future demand for them, said, that during the short time he had been a Member of their Lordships' House it had been his fortune to address them on more than one occasion, but he had never done so with a more complete sense of his own unworthiness and unfitness for the task he had undertaken than that which he entertained on this occasion. It was not alone that the subject itself was difficult—because that he had known beforehand—but since he had given his Notice such a flood of communications had been coming in upon him, expressing with one unanimous voice the same opinion, and containing such a mass of detail, and in many cases such a mass of wandering evidence, that he felt himself wholly incapable of doing justice to the subject. His difficulty was much increased by the absence through illness of a noble Lord who was much more competent to address their Lordships, not merely because he would have spoken with great weight on all subjects, but because he had given much of his attention to this particular topic. He need hardly say he alluded to Lord Ossington. That noble Lord, unfortunately, was not able to be in his place; but he had taken the trouble to write his views, and he should have the honour of quoting later in the evening opinions which, coming from that noble Lord, their Lordships would esteem worthy of respect. In approaching the subject he wished to guard himself against being supposed to touch, except in the most general manner, on thoroughbreds or racehorses. Whatever their merits might be, it was not his duty to speak of them, because they did not seem to him to be within the scope of his Motion. Neither did he intend to propose particular remedies for the evil which he was about to bring under their Lordships' notice. Those would be for the Commission, which he had little doubt their Lordships would address Her Majesty to grant. There were, however, two remedies which he could not help touching upon owing to the character of the persons by whom they were suggested, and to the extraordinary nature of the remedies themselves. Within the last few days the newspapers and himself had been honoured with a communication from a gallant gentleman whose opinions would carry just weight with them, not only on account of his great ability, and because he had added lustre to the Navy and the Turf, but also because he gave up to the horse "what was meant for mankind." Nothing that Admiral Rous might write could lessen his respect for him, but perhaps he ought to mention that the gallant Admiral had not sent him this letter. He saw it for the first time in *The Times*. The gallant Admiral in that letter said—

> "My dear Rosebery,—The facts from practical knowledge bearing upon the state and condition of our national stud convince me that in 1873 there is a greater number of horses of every description in England than ever was known, and that in their respective classes and vocations they are superior to their predecessors. A strange accession of national wealth has increased the demand for superior articles, especially for hunters, high-stepping carriage horses, and clever hacks; consequently, the extra demand exceeds the normal supply.
>
> "All luxuries and domestic stock have risen in value owing to a higher remuneration for labour, and it stands to reason that with the present price of beef and mutton, no farmer occupying grass lands can speculate with advantage in rearing horses when he can get 45*s*. for his lambs."

The Earl of Rosebery

He believed in that most sincerely; but he did not see what consolation was afforded to the farmer and to other persons who wanted horses for their industries by the facts stated in the letter of the gallant Admiral. There was another passage which he was anxious to quote—

> "Our prizes are open to all the world; even the paltry national donation of Royal Plates voted each Session by the House of Commons to improve the breed of horses on *British territory* is partially lost to us by Her Majesty's Masters of the Horse allowing foreign horses to compete. They have been liberal with trust money which they were bound by duty to see properly appropriated. It is the old British reciprocity system, to give away everything and receive nothing."

Now, for curiosity's sake, he had looked up the names of the horses who won the Queen's Plates in England last year, and he found that of 18, the total number, three were what were known as foreign-bred horses; but they were horses the sires of which were English, which had been trained by English trainers and ridden by English jockeys on behalf of an English resident, and which were only called "foreign" because they had been bred in a foreign land. He could not think, therefore, that it was quite logical of the gallant Admiral to argue that they were foreign horses. He did not, however, wish to dwell on that point, and he would come to the kernel of the letter—the remedy proposed. He could scarcely exaggerate the respect and attention with which Parliament and the country must have prepared to hear what the Oracle had to say on that point. Well, what was it he said?—"The practical remedy—put the same tax on racehorses as on other horses of luxury, and then pray leave us alone." What was the result of 60 years' experience of racehorses? Of 15 years of absolute rule at Newmarket? Of a powerful mind devoted to a subject with which it is thoroughly conversant? Reduce racehorse duty from £3 17*s.* to 10*s.* 6*d.* "It is your wealth that has caused a scarcity of horses; therefore, reduce the tax, and behold you shall abound." Well, the only other remedy he should consider was that of a more distinguished authority still—he alluded to Her Majesty's Government. What was the remedy proposed by Her Majesty's Government? It was so well described in a letter from a noble Lord that he begged to be allowed to quote the passage—

> "Recent legislation in this direction amounts to nothing short of the commencement of a system of taxing agricultural labour and produce. It is not generally known, perhaps, that the employer of a labourer at daily wages to look after mares—or horses not bred for agricultural purposes—is now chargeable with a tax on that account, and that when a tenant farmer thinks proper to make high-bred horses a part of his live stock, the profits arising therefrom, if any, must be returned and taxed additionally, under a separate form, as something apart from ordinary agricultural gains. When, too, he requires the assistance of a neighbour's team to help out the tillage of his farm, a licence must be taken out for each horse so borrowed. It is difficult to understand the wisdom of this course. . . . . Why should a man attending mares, or a stud groom at a breeding establishment, be made an object of taxation a bit more than a herdsman? Why should the profits arising from a superior stallion be taxed a bit more than those of a shorthorn bull? Why is a particular horse or broodmare assumed to be an article of luxury before it is used as such, or, on the other hand, after it has ceased to be sound?"

Then he had received a letter from the noble Lord (Lord Calthorpe), the senior steward of the Jockey Club, informing him that Government had taxed the services of his stallion Knight of the Garter. Knight of the Garter was, on Admiral Rous's authority, one of the finest horses in the world. Now, at a time when foreign prices were tempting every owner of horses and mares to send their stock abroad, was it a wise thing to discourage in this way their retention at home? Yet, although the Government in buying horses for the Army was daily more pinched by their scarcity, this was apparently the sole remedy it had to propose. When alluding to thoroughbred horses and racing, he knew he was treading on very delicate ground. It was the fashion of the present day to denounce racing as selfish and demoralizing, as a mere inducement to gambling, and to deliver in Parliament flaming Philippics against what were somewhat affectedly termed "our Isthmian Games." If in the month of September an apprentice emptied the till of his master, the circumstance was described as a lamentable case arising from the St. Leger; and if an old woman was run over at a crossing during the last week in May the accident was attributed to the Derby. All the evils to which flesh is heir, all the weaknesses to which humanity is liable, every failing and every misdeed—all were unsparingly attributed to the Turf. That was not the time, nor was their Lordships' House the place, for an advocacy of the Turf, but he did not think racing was open to all the denunciations levelled at it; at the same time he must express his regret that, at some of the great meetings, short distance races were encouraged—in fact, at the July Meeting last year only two races were run during the whole week over distances exceeding a mile, while during the Second October Meeting not a single match was made or run. Again, handicaps seemed to be superseding all other kinds of racing; but the greatest curse of all was the curse of permitting horses to run in assumed names, which had entrapped many minors, and had been the ruin of many fortunes. But, in defence of the Turf, he might quote what was said of it last year by one who was not mixed up with it in any way—"It is a noble, manly, distinguished, and historically national amusement." That was the testimony of the present Prime Minister; but if one wanted to see racing in its best form, he must see a match such as he witnessed last year, at Doncaster races, between Lord Falmouth and Lord Fitzwilliam, who ran two horses which they themselves had bred, without a bet, merely anxious to test the merits of their respective breeds of horses, amid the cheers of myriads of their delighted fellow-countrymen, who watched with delight not merely the contest between noble horses, but the honourable rivalry between names they knew and revered. He regarded racing, when carried on in that way, as one of the most legitimate sports in which men of means could indulge. Hunting and shooting were pursuits of the rich, but horse-racing afforded amusement to hundreds of thousands of the poorer classes of the community. But it was said the Turf gave rise to gambling. No doubt it did; but he ventured to assert that gambling by the owners of horses was decreasing. In many cases those gentlemen had no more on their horses than they would have on a rubber of whist. To revive an old French saying, to abolish gambling by putting down races would be like attempting to abolish rain by suppressing the gutters. Then, again, it was said that racing destroyed the present breed of horses. Everyone who had a difficulty with them —the squire who found hunters doubled in price, the stockbroker whose steppers cost a fortune, the ecclesiastic whose cob had come down with him—all with one voice cried "It is the fault of the Turf; down with it." Some, he believed, had gone further, and intended indicting Admiral Rous under the old law against "he who poisons the King's land with weeds." But he confessed he had never understood why it was the duty of gentlemen who raced to see that every Briton was well and cheaply horsed. It was a private amusement, involving, so far as he knew, no public duty, but much private anxiety and expense; but yet we were told by the gentlemen who wrote the fine articles and made the fine speeches that it was the duty of the Jockey Club to reduce the price of horses, to revive extinct breeds, to produce animals equal to Pegasus, and to mount the Army. All he demanded was that what was sauce for the goose should be sauce for the gander, and that if the Jockey Club were to mount the Army, the Royal Yacht Squadron should provide ships for the Navy. As to our thorough-breds, they were said to have deteriorated in quality; but last year he had seen three of them sold in three minutes for nearly £27,000, and the worst of the three had been bought for 6,000 guineas by the Prussians, who at any rate had the credit of knowing what they were about. Then as to numbers, thorough-breds were almost the only class of horses that had increased. He found that the total number of thorough-bred foals foaled in the United Kingdom in 1870 was 1,815; in 1871 the number was 1,751; and in 1872 it was 1,741; while the export had been, in the three years he had named, 57, 102, and 217. He would now proceed to deal with the more general subject, and ask what was the cause of the scarcity of horses. He believed that the greater and surer profits derived from sheep and cattle, and the custom of warranties, which made the farmer liable to have horses returned on his hands, had much to do with it. Then there was the difficulty of obtaining proper sires and the expense of service. The expense and annoyance of dealers' licences were also an element which had its effect. A man who only sold a horse or two did not like to be put down as a dealer and taxed accordingly. Ignorance of breeding, which made persons give it up in disgust after one or two attempts, had also to do with the scarcity. The recent enormous exportation of horseflesh—especially mares—was another great cause, as was also the great demand for all sorts of horses simultaneously with the decline of breeding. Lastly, the abolition of posting had its share in bringing about the scarcity. Forty years ago, when we had no railways, the English system of posting was unequalled, and our post-horses, the majority of which were mares, were matchless. Every town was at that time an equine centre; and the farmer seeing the team pass by his house kept a look out for these mares when they were broken down, knowing that they would be easily obtainable for breeding purposes. When posting was done away with and railways were opened, the farmers, not calculating on the expansion of our commerce, concluded that there would be little or no demand for such horses in future. Next, the Irish famine of 1846 caused a marked decrease in horsebreeding in Ireland. Then came the Crimean War, which occasioned a very large exportation of horses, and turned the attention of foreign buyers to what might be done by purchasing in this country. The war of 1866 excited that attention still further; and he found that so rapidly and largely had the exportation of horses increased, that within the last six years no fewer than 14,000 mares had been exported from Harwich and Hull. Returns on the subject of the export of horses had been kindly furnished to him by the Board of Trade, but, after having bestowed great labour over them, he feared they were worth little more than the paper on which they were written. It appeared from those Returns that during the last 15 years 60,000 horses had been exported from this country; but, referring to the Returns for the year 1870, he found that only eight horses were set down as having been exported from

Ireland, when it was known that during that year the agents of the French Government were buying every horse they could find in that country. He knew, therefore, that this must be wrong; and having gone to a high authority on the subject, he was treated with scorn for supposing that these Returns were of any value. He was asked what on earth had induced him to suppose that the dealers passed their horses through the Custom House? Besides the enormous export of mares to Germany, the French and Italians had been buying largely in this country, and more especially our roadster stallions, which had thus become very scarce. It would be difficult to compute how many of those animals had gone out of the country within the last few years; but he had high authority for saying that numbers of them had been bought for France and Italy. Then, what had become of the 14,000 mares exported to Germany? They had been put to thorough-bred horses, which had also been exported from the United Kingdom, and the result had been the horses of the Uhlans. It was difficult to lay hold of accurate Returns. What was a difficulty to the Board of Trade was a tenfold greater difficulty to a private individual; but it was not going too far to say that three-fourths of the carriage horses in London had come from Germany, and a great number of the London omnibus horses had been imported from Belgium and France. The Cleveland mare, the Clydesdale, and the roadster had all become scarce. The farmers had lost the habit and practice of breeding, having parted with their mares to the foreign buyer; and what was the result of this? In the letter with which he had favoured him, Lord Ossington wrote—

> "The scarcity of horses in England is becoming a matter of general anxiety, not only to individuals who require the use of horses, but to the Government, who have to make provision for the service of the cavalry and artillery."

Lord Portsmouth, writing to him, said—

> "I have been a master of hounds for 23 years, and I can testify strongly to the extraordinary scarcity of horses."

Mr. Chaplin, in a letter too long to quote, deplored the same evils. A considerable proprietor in Cheshire wrote that horses were both scarcer and lighter, and that the old-fashioned hackney had disappeared. A gentleman in the neighbourhood of Darlington stated that there formerly great numbers of horses of the hunter class were bred; now nothing were bred but thorough-bred stock and cattle, and the Cleveland mare had died out. A gentleman from Northallerton wrote much to the same effect; and added that he had had a conversation with a person on the subject of drawing horses' teeth, who said he had altered many a score, and began to feel some compunction. He had altered three-year-olds into five-year-olds, and had drawn as many as eight from one mouth at one time. The Secretary of the Lanarkshire Farmers' Association wrote to say that in the district of Clydesdale hardly any horses were bred now in comparison to what used to be; that it was moderate to say prices had doubled, while there was great difficulty in producing the best stamp of Clydesdales. Dealers from all parts of the country said, in the words of one of them—"There were more horses left unsold after a fair some years ago than are offered for sale at the beginning now." The French Government agent last year, after his tour through this country to purchase horses, told Mr. Weatherby there were five horses nine years ago for one now. The Secretary of the Yorkshire Agricultural Society wrote in these terms—

> "Our breeders have been tempted to sell all their best horses for exportation. There is a lamentable want of sound strong thorough-bred stallions in the country. The Cleveland mares, from which have usually descended our best coach horses, and from whose daughters by thorough-bred horses and again crossed by blood have sprung all our best hunters, are nearly extinct; in fact, the foreigners have got them all."

From Ireland he had received communications stating similar facts with regard to the scarcity. Coming to not the less useful but less romantic cart horse, he had received testimony from a company—the Great Northern—than which none had better experience in the matter. They had 1,300 of those animals, and they found that in the 10 years from 1863 to the present year the increase in the price they had to give for their cart horses was over 70 per cent. They also mentioned that the proportion of increase within the last five years had been far greater than in the five years preceding. From facts he would come to figures, and he thought his figures would bring conviction home to everyone who might still be doubting. He would begin with the less and come to the greater. In Wales the number of brood mares and agricultural horses in 1871 was 117,176 as compared with 116,131 in 1870. Considering the enormous development of such towns as Cardiff, Dowlais, and Merthyr Tydvil, and all the district over which an unhappy blight prevailed at that moment, that increase showed no abundance. In Scotland the number in 1870 was 172,871, and in 1871 the number was 174,434, showing an increase for the latter year of 1,563. That was an increase which, when he considered the great annual increase of wealth and commerce in Scotland, did not make him very proud of the state of things as regarded horses existing at this moment in his native country. In Ireland there were complete Returns for 1872. This was one of the things they did better in Ireland. Well, there the number in 1871 was 538,095; and in 1872 the number was 540,745, showing an increase for the latter year of 2,650. But his suspicion became excited by this Return, and he took the trouble of comparing the number for 1862, or a period of 10 years from the last Return. And what did he find? Why, that in 1862 the number was 602,894, as against 540,745 for 1872—showing a decrease in the 10 years of 62,149. When their Lordships remembered the progress which the commerce of Ireland had made since 1862, and the benefits which had been showered on her agricultural population by the Land Act, they would see that the decrease was all the more surprising. In England the last Return of brood mares, unbroken, and agricultural horses was for 1871, when the number was 962,840, as against 977,707 for 1870, showing a decrease in 1871 as compared with 1870 of 14,867. If one who knew nothing about England saw that Return he would be tempted to exclaim—"What unhappy country is this?—its population must be dwindling down, and its commerce and agriculture must be languishing. Is it the Spain of Charles II. or the France of Louis XV.?" Would their Lordships allow him to detain them a little longer by referring to the episode of the last Autumn Manœuvres—when it was determined to take some thousands of the troops of the British Army to Salisbury Plain, and put them through a series of operations in the neighbourhood of Stonehenge? To carry out that determination 2,000 transport horses were required; fair notice and a fair price were given; but the resources of Great Britain were found unequal to meet that overwhelming demand. He spoke on competent authority when he said that at least 1,250 of them were brought over from France alone. So that this kingdom, which had been so long held pre-eminent in horses, was unable to furnish Her Majesty's Control Department with 2,000 horses for three weeks. But how did these foreign horses do their work? After three weeks they were so changed, so emaciated, so utterly unfit to undergo another week's work on the completion of the Manœuvres, that their best friends—if horses had friends, which he was beginning to doubt—would not have known them; and he was told that when sold by the Government the sale was effected at a loss of little less than £20 a horse on the average. He had shown the inconvenience to this country of the scarcity, for which he hoped a Commission would find a remedy. He had now to point out that the scarcity was a positive danger to us. He based this statement on the experience of the last two great wars—which might be called the two breech-loading wars. The wars of 1866 and 1870 taught us—if they had taught us anything—that in future great wars would be declared on the shortest notice; that they would be as sudden as the eruption of a volcano. On the 12th of June, 1866, diplomatic negotiations were broken off between Prussia and Austria. On the 15th of the same month the Prussian troops crossed the frontier; on the 18th they occupied Dresden, and in six weeks after, the campaign was decided, and the monarchy of Austria was lowered to the dust. On the 15th of July, 1870, negotiations between France and Prussia were brought to a close. On the 30th of the same month the Armies of the two nations were massed opposite to each other on the banks of the Rhine. In a week after the blow had been struck which decided the fate of two Empires. What should we do if we were called upon to fight so suddenly? Speaking roughly, we had 6,600 cavalry horses and 6,000 artillery horses. In case of war we should want 2,500 cavalry horses and 4,000 artillery horses, and not fewer than 25,000 light and 50,000 heavy transport horses. A man who had more to do with supplying horses to Her Majesty's troops than probably any other person in Great Britain had told him that he could not provide 3,000 horses at even double the present regulation price in three months. Well, our position would be this—we should want between 6,000 and 7,000 horses for our cavalry and artillery—he would not allude to the transport, because that was a hopeless subject—within, at the longest, about a fortnight, and we should not be able to obtain the half of them in six times that period. This was no very pleasant reflection. But there was another consideration. A poet had been defined as something which was born and not made. On the other hand, a charger was something that was born a horse but had been made a charger; and to make a charger took about five months. So that we could not get the 6,000 or 7,000 cavalry and artillery horses we wanted in less than six times the period within which we should require them, and that even when we did get them they would not be chargers. He did say that this was a grave state of things. He did not know what was the intention of Her Majesty's Government with regard to the Motion which he was about to make; but he could not doubt that it was favourable. This was not a question of party. It was pre-eminently a national question. He had not dwelt for one moment on the fact that our carriage horses—the horses we used in luxury—were derived from foreign sources; nor had he dwelt on the fact that our pre-eminent position as a horse-breeding country was passing away. He was pleading for the horse not as a means of pleasure, nor even as an animal that had had a great and beneficial influence on the national character, but as an adjunct of commerce, an implement of agriculture, and an engine of war. It tilled the earth, drew their waggons, conveyed their merchandise, and afforded the means of transfer in their great cities; and yet—and this was a serious portion of the question—they were dependent for their supply upon the foreign market. It might be part of the pedantry of politics to disregard this aspect of the question; but they could not disregard that side of it which affected the Army, and thereby the security for those liberties and privileges which they enjoyed. They could not ignore the fact that they required last year for a short space of time 2,000 horses, and that those 2,000 horses could not be found in England. If he were not misinformed — and he made the statement on high authority—there would be no possibility, owing to the scarcity of horses, of holding the Autumn Manœuvres this year—a fact which foreshadowed the lamentable condition the country would be in in time of war. He thought their Lordships would agree with him that the subject he had brought under their notice was one of an extremely grave character. He had been informed that at this moment our Navy was deriving its supply of coals from America, and that the old joke as to sending coals to Newcastle was literally fulfilled. He bracketted those two subjects together. They well deserved the consideration of their Lordships, not as a body of politicians, but as a body of Englishmen and statesmen. Feebly as he had laid his case before them, no one was more aware than he was of its great importance. The naked facts he had stated, and figures he had quoted, not merely justified, but imperatively demanded as full and comprehensive, and as searching an inquiry as it was in the power of Parliament to ordain.

Moved that an humble Address be presented to Her Majesty, praying Her Majesty to appoint a Royal Commission to inquire into the condition of this country with regard to horses, and its capabilities of supplying any present or future demand for them.—(*The Lord Rosebery.*)

EARL GRANVILLE: My Lords, I am quite sure your Lordships have heard as I have with the greatest pleasure the speech just delivered by the noble Earl (the Earl of Rosebery)—a speech evidencing much ability — and the great pains he has taken to inform himself upon the subject on which he spoke, and delivered in that agreeable manner in which the noble Earl enlivens everything he says, however dry the subject-matter may be. I am sure the noble Earl will not think that I at all undervalue the importance of the subject or the ability with which he treated it—but far the contrary—if I make but a few observations in reply, agreeing in some of the points which he has urged and differing in respect of others from him. He began by attacking our common friend, Admiral Rous; but as I never knew a man who was more capable of defending himself, whether in the Jockey Club or against the elements on the Atlantic, or on the hustings, than the gallant Admiral, I shall only say that when the noble Earl said that Admiral

Rous was in a minority of one in his opinion as to the deterioration of horses in this country, I beg, with great humility after his assertion, to state I am afraid I know at all events one other person—that is myself—who agrees with the Admiral in opinion. The noble Earl alluded to the greatly increased price of horses; and there I agree with him entirely, as I imagine your Lordships will also, whether as regards race horses or common horses — horses for riding, carriage, or any other description of horses. The reasons for that state of things are obvious. The competition for horses has of late years augmented immensely. You have London, Glasgow, Manchester, Liverpool, and the manufacturing towns of Yorkshire, competing with the landed proprietors of the country, and you have the formidable competition of foreigners, and the consequence is an enormous increase in prices. And I must say that if a Commission is to be appointed, and the object of the Commission be to lower the price of horses from national considerations, I can conceive no more fatal blow than would thus be given both to the breeding and to the breeders of horses. The noble Earl then went on to his second point—namely, the degeneracy of horses. Well, that is clearly a matter of opinion; but I confess I have very great doubts as to whether horses in this country have in fact degenerated. I must say I do not take the view which the noble Earl has expressed. I know it is entertained by some who say that the breeding of race horses has had an injurious effect upon the horses of the country generally, and that the best thing we can do is to get rid of racing altogether. I think nothing of the sort. On the contrary, I think that immense improvement has resulted from the additional encouragement which has been given to the breeding of race-horses. I do not quite agree with my noble Friend in what he said as to thorough-bred horses, for it is quite extraordinary to what uses two or three-year-old thorough-bred horses can be turned. Five years ago I was stopping in a country house in France, to which was attached a farm of 2,000 acres, and the whole work of that farm—not only on the farm itself, but all the road-work and going to market—was entirely and exclusively done by thorough-bred horses of from two and a-half to five years old; and I think this system prevails much more in Ireland than here in England. The owner of the farm to which I have referred had had in Paris, and the neighbouring post stations, no fewer than 600 horses, and he is moreover the only foreigner who ever won the Derby, and therefore it cannot be alleged that he does not very well know what he is about. But with regard to degeneracy — I do not know where my noble Friend has found it. He says we have lost the old British carriage horse, and for my part I am heartily glad of it. The reason why we have lost the old British carriage horse is, I believe, to be this: — that we have given up the enormous, heavy, carriages which were drawn by those ponderous animals at the rate of about five miles an hour, and that we have now a different class of horse for the lighter vehicles of the present day. I infinitely prefer the well-bred, sinewy horses which my noble Friend (the Duke of Richmond) drives, to the handsome chesnut cart horses which drew his grandfather through the streets of London. Well, again, if my noble Friend goes into the Park he will find the number of horses in Rotten Row quadruple what it used to be — although I confess a percentage of those horses, particularly those which so many affectionate husbands and anxious fathers provide for their wives and daughters, I do not admire. I think if my noble Friend goes into the Park any afternoon he will find—or I am very much mistaken—no lack of hacks which would carry him as fast, as safely, and as well as the old hackney to which he alluded. Again, it is said that everything is sacrificed now to speed. Well, I remember hunting with a noble Marquess, whom I now see present, in Northamptonshire 40 years ago. The fields were not then one-fourth or one-fifth of what they are now; and I venture to say that if my noble Friend goes to any meet there, out of about 500 horses which he will probably see there, he will find 200 or 300 capable of carrying 13, 14, or 15 stone at a tremendous pace and over a difficult country with great success. I am told that the old English hunter is extinct. Well, I have never been able to fix the precise date when that animal flourished; but I confess I very much prefer the well-bred weight-carrier of the present day to the steady "old-fashioned hunter." He is confessedly unable to live with the hunters of the present day as to pace, and I believe them to be fully as enduring as he was, if they are not asked to go faster. In fact I do not believe in the degeneracy of the horse. I think we have quite as good horses now as we ever had, if not better; and and that so far from people being more easily satisfied, they are becoming infinitely more fastidious in the matter of horses than they used to be. And then as to what one hears as to the impossibility of obtaining horses—when you bring it to the test you find it to be all nonsense. I have bought horses pretty well all my life, and I well remember the constant story of the dealers as to the impossibility of procuring good horses. "It is impossible," they say, "to get them. Formerly you could run down into Shropshire and bring home 10 or 12 first-class horses; but now that cannot be done for love or money. But by an exceptional piece of luck, I lighted yesterday upon the valuable animal I am about to show you." The question of the merits or demerits of the horses of the the present day is one, as I have said before, entirely of opinion, and I do not concur in that entertained by my noble Friend. But now as to what was said as to the diminution of horses. My noble Friend objected to the figures of the Board of Trade, and I, of course, cannot vouch for their strict accuracy; but they are the figures returned by the Customs to the Board of Trade, and with your Lordships' permission I will give a summary of the exports for the last three years. I believe it is not the habit of the Customs House officials to take account of horses that are exported singly; but after making allowance for that, the numbers are widely different from those given by the noble Earl. I find that the number of horses exported in 1870 from the United Kingdom to Germany, Holland, Belgium, France, the United States, and other countries, was 7,202; in 1871 the number was 7,172; while in 1872 the number fell to 3,383. The total number of horses in the United Kingdom in 1872 may be stated at 2,700,000. Of that number Great Britain had 2,145,000, Ireland 540,000, and the Army at home 15,000. The number in Great Britain included 1,258,000 horses employed solely in agriculture, mares for breeding, and unbroken horses; 852,000 horses for which licence duty was paid after deducting 5,000 for more than one license or change of ownership, and 35,000 horses exempt from licence duty, including horses kept for sale by dealers, officers' horses, and horses in mines. In the United Kingdom about 1,323,000 horses are employed solely for agricultural purposes. It is true that France has more horses than we have, yet while we have seven horses to every 100 acres of cultivated land, Belgium has five, and France only three. Whether the Board of Trade figures are correct or not it is impossible for me to say, but I have here a statement from the Inland Revenue, and of its correctness there can be no doubt, because it is compiled from a return of the taxes paid. This statement shows that while in 1831 we had 961 racehorses, that number had increased to 1,390 in 1851, and to 2,473 in 1871. Of horses other than racehorses we had, in 1831, 338,343. That number, in 1851, owing probably to the causes alluded to by the noble Earl, had diminished to 311,113; but in 1871 it had increased to 859,321, or nearly treble what it was in 1831. It does not, therefore, seem very clear to me that there has been so great a diminution of horses in this country. I see, however, that the number of horse-dealers has increased from 1,037 in 1831, to 1,464 in 1871, and the increasing competition, therefore, may account for some of the gloomy statements which these gentlemen make to those who deal with them. The noble Earl (the Earl of Rosebery), with considerable eloquence, then went into the military question—one with which I am not very competent to deal. I understood the noble Earl to say that the country would require 78,000 draught horses in case of an invasion. But we have something like 1,000,000 of agricultural horses in this kingdom, and is it possible to imagine that, in the case of invasion, any Government would hesitate to double the price now paid, or that the country would hesitate to supply the horses wanted, or, if need were, that a law would be passed enabling the Government to seize what they required for the defence of the kingdom? The noble Earl's argument that in case of war we should require a certain number of horses in a fortnight, if it means anything, means not that there ought to be more horses in the country, but that we should have a number of cavalry horses perfectly broken and ready for purposes of war. As to our not being able out of our million of horses to find enough unbroken horses for the use of our cavalry, I believe that idea to be a delusion. Admitting, however, all the statements and figures used by my noble Friend to be correct, my noble Friend has, with becoming modesty, entirely avoided the question of what the Commission, when it is appointed, is to do. Is it to establish breeding clubs all over the country? In 1831 the French regiments were half of them mounted on foreign horses. That was thought to be a great national calamity, and studs were established all over the country. Twenty years afterwards, however, General Fleury reported the plan to be a failure, and that it had the effect of extinguishing private enterprise, and the result was that the system was abandoned. In Algeria the experience has been the same, and in India we have had 80 years of Government studs; and what has been the result? A distinguished officer recently stated that the system had proved a gigantic failure, and another friend of mine has informed me that we had extinguished private enterprise, and had now succeeded in mounting every private at a cost of £205 per horse. The noble Earl, though not making any definite recommendation, appears to have some bias towards placing an export duty upon our brood mares. To do so, however, would be, I believe, to take away exactly that stimulus which keeps up the supply of the country, and would be fatal to the breeding of horses in this country. I must say that unless Her Majesty's Government—unless it is pointed out to them, or unless they see themselves that some good will probably result, ought to be very chary of granting a Royal Commission. It used formerly to be a great reproach to Liberal Governments that they were too much accustomed to do things by Commissions, which are at once expensive and likely to last a long time. What I would therefore suggest to the noble Earl is, that he should withdraw this Motion, and substitute for it one for the appointment of a Select Committee. It would be easy to form a Committee most competent to deal with the matter, not only from a knowledge of horses, but also of administration and of political economy.

In reply to Lord Howard de Walden,

Earl GRANVILLE said, that the statement he had made with respect to the price of our Indian cavalry horses had been made upon the authority of a distinguished member of the Indian Council, who, for the last 14 years, had taken an active part on the Committee which attended to this subject.

The Earl of ROSEBERY, in reply, stated that he had heard with regret the speech of the noble Earl the Foreign Secretary. But he must be allowed to point out that in no degree could the figures quoted by the noble Earl be accurate, for it was not till 1870 that even an approximate Return was made of all the horses in the country, and that was put forward as only "partly accurate." Now, he submitted that "partial accuracy" for all purposes of comparison was as worthless as total inaccuracy. In the absence then of such figures, the question became one of testimony. He was exceedingly sorry that the testimony of the noble Earl differed so completely from that which he himself had collected. However, the House was too empty, and the information somewhat too vague, for him to press his Motion to a division, and he would, therefore, willingly accept the Committee offered by the noble Earl in lieu of the Commission proposed by himself; and he hoped that it would be fixed for a time when it might be assisted by the advice of those noble Lords who were at present engaged in pursuing the fox.

The Duke of RICHMOND: I am glad the noble Earl has consented to accept the Committee which my noble Friend has agreed to grant. I think it very inconvenient to appoint a Royal Commission to inquire into this subject, and I should have been prepared to vote with the Government against such a Motion. I do not know, indeed, what a Royal Commission would have to do if it were issued. I cannot imagine that so ardent a free-trader as the noble Earl would propose to put an export duty on horses; but unless it was to prevent horses going out of the country it was hard to see what a Royal Commission could have done. I disagree entirely from the noble Earl as to the degeneracy of the horses of the present day. It is not for me to defend the views expressed by Admiral Rous. I have known Admiral Rous a longer number of years that even my noble Friend opposite, and there is no more competent judge on this subject than my friend Admiral Rous. He speaks his mind frankly, and goes straight to the point, and speaks with great authority, no doubt, as one who understands the subject. A visitor at Tattersall's, however, during the months of May, June, and July would see horses from some of the finest studs in the world. With regard to weight-carrying horses, perhaps the finest stud in the world was brought to the hammer when the Pytchley Hunt changed hands —a stud, too, which had been formed in no long period of time. I do not see anything, therefore, in the present state of the supply of horses which would justify the Government in issuing a Royal Commission. I agree in much that has been said with regard to race-horses, but I believe the best thing for them is to be left alone. As the noble Earl has accepted the proposal of the Government that a Committee should be appointed, I will not trouble your Lordships with any further remarks. My noble Friend has, I think, exercised a wise discretion. A Committee may bring together some information that may be valuable and lead to useful legislation, but a Royal Commission would not do either.

Motion (by Leave of the House) *withdrawn.*

POOR ALLOTMENTS MANAGEMENT BILL [H.L.]

A Bill for making better provision for the management in certain cases of lands allotted under Local Acts of Inclosure for the benefit of the poor—Was *presented* by The Duke of RICHMOND; read 1ª. (No. 20.)

House adjourned at Seven o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 20th February, 1873.

MINUTES.]—PUBLIC BILLS—*Ordered—First Reading*—Metropolitan Tramways Provisional Orders * [76]; Metropolitan Tramways Provisional Orders (No. 2) * [77].

Second Reading—Prevention of Crime [36]; Drainage and Improvement of Lands (Ireland) Provisional Orders * [63]; Union Rating (Ireland) [23].

Committee—Report—Local Government Provisional Orders * [2]; Bastardy Laws Amendment * [33-75].

Considered as amended—Polling Districts (Ireland) * [1].

Third Reading—Marriage with a Deceased Wife's Sister [15], and *passed.*

TITHE COMMUTATION ACT—MARKET GARDENS.—QUESTION.

MR. C. S. READ asked the Secretary of State for the Home Department, If his attention has been called to the disturbance of the Tithe Commutation by the recent attempt to impose extra tithe upon Market Gardens; and if he will take steps to confine this extra tithe to Hop Grounds only?

MR. BRUCE, in reply, said, his attention had been drawn to this subject. He rather gathered that the hon. Gentleman supposed that the Government had the power of directing how the law should be administered under the Tithe Commutation Act. That was not so. The law stood in precisely the same position with respect to hop-gardens, orchards, and market-gardens, which were mentioned in the same sections and in the same terms. No change could be made in the subject referred to without a change in the law, which could not be introduced without very careful previous inquiry.

CASE OF JAMES HARRIS—HOURS OF WORK ON RAILWAYS.

QUESTION.

MR. M. A. BASS asked the President of the Board of Trade, Whether he has made an inquiry into the circumstances of the death of James Harris, an engine cleaner at the Paddington Station of the Great Western Railway, who was burnt to death in the "fire-box" of an empty engine on Saturday the 8th instant, it being reported that Harris had been at work thirty-six hours without relief; that, exhausted with fatigue, he crept into the empty fire-box of the engine he had been cleaning, and fell asleep; soon after the stoker came to light the engine fire, and, not suspecting that the boy was there, threw a shovelful of blazing coal over him and burnt him to death?

MR. PEEL, in reply, said, the Board of Trade had not instituted an official inquiry; but there had been an inquiry before the coroner, resulting in a verdict of "accidental death." There was no doubt as to the truth of the statement contained in the hon. Gentleman's Question. In the course of the inquest it came out that the foreman of his department had failed in his duty in allowing James Harris to continue working during Friday night. He commenced work at 6 a.m., and continued till 4 p.m. on the following day, with an interval of only six hours' rest. It was but fair to the foreman to say that James Harris made a formal request to be permitted to continue working, to which the foreman thoughtlessly acceded. He was authorized by the directors of the Great Western Railway to express, in the strongest terms, their regret at that unfortunate occurrence, and to state that they had visited the conduct of the foreman with the severest condemnation, and that they trusted the steps they had taken would prevent the recurrence of any similar accident.

Mr. DILLWYN, as one of the directors of the Great Western Railway, endorsed on behalf of the directors all that the hon. Gentleman (Mr. Peel) had said. They extremely regretted that unfortunate occurrence. The conduct of the foreman was in express and direct contravention of the orders of the company. The Board of Directors had met that day, and had ascertained that the circumstances were somewhat worse than had been stated, inasmuch as James Harris was a boy, and was under the age at which he ought to have been employed, under the provisions of the Factory Act. The directors had summoned the foreman before them; but, before proceeding to deal with the matter, they received a notice from the Inspector of Factories that it was the intention of the Home Office to prosecute the company for a contravention of that Act. The directors thought the Inspector of Factories had done quite right; but pending the prosecution they could not proceed to deal with the case. He had nothing more to say but to express, on behalf of the directors, their unavailing regret that such a sad misfortune should have occurred.

LOCAL TAXATION—CRIMINAL PROSECUTIONS.—QUESTION.

Sir MASSEY LOPES asked the Secretary of State for the Home Department, What course he intends to pursue in order to give effect to the assurance given by the Government last Session that they would not continue the disallowance of Taxed Costs of Criminal Prosecutions?

Mr. BRUCE, in reply, said, he thought if the hon. Baronet would refer to the answer which he had made he would see that he had rather overstated the case. What he stated last July was that he hoped as soon as possible by legislation to find a substitute for the system which had created so much discontent; but that in the meantime care would be taken to apply the present system with as much elasticity and consideration for local interests as the public interests would permit. Since he gave that assurance, he hoped the business of the office had been conducted in that spirit. It was the intention of the Government to deal this Session with the question of a public prosecutor, whereby he hoped that difficult matter would be solved. A Bill would have been already introduced, had not the Government desired to have the benefit of the advice and assistance of the Judicature Commission on the subject.

LOCAL COURTS OF RECORD.
QUESTION.

Mr. WEST asked the Secretary of State for the Home Department, When Her Majesty will be advised to issue an Order in Council under the Local Courts of Record Act of last Session?

Mr. BRUCE, in reply, said, certain applications for Orders under the Act were under the consideration of the proper Department, but no decision had yet been arrived at with respect to any of them.

CENTRAL ASIA—THE BOUNDARY LINE.—QUESTION.

Mr. RYLANDS asked the Under Secretary of State for Foreign Affairs, Whether there is any foundation for a statement which has appeared in the public press to the effect that a mistake has been committed by the Foreign Office in the Russian negotiations by describing the Oxus as the northern boundary of Afghanistan, including the territories of Badakshan and Wakhan, it being alleged that those territories extended for some distance to the north of the Oxus?

Viscount ENFIELD: Before the boundary in question was agreed upon, Lord Granville consulted the India Office, and the line of the Oxus was deliberately adopted as the right line, on the authority of Sir Henry Rawlinson, perhaps the best authority in England on these little known countries; and the advice of Sir Henry Rawlinson was entirely concurred in by the Government of India, which was carefully consulted on the subject.

MR. RYLANDS said, the noble Lord had not replied to his Question. Lord Granville in his despatch said that the line of the Oxus formed the northern boundary of the territories of Afghanistan. He wished to know whether the noble Lord was prepared to assure the House that no territories belonging to Afghanistan overlapped the boundaries fixed in the Correspondence between the British and Russian Governments?

VISCOUNT ENFIELD: I apprehend, Sir, that the reply I gave to my hon. Friend's Question was sufficiently explicit. My noble Friend Lord Granville does not believe that the Foreign Office committed any mistake in indicating the boundary alluded to in the despatch of Prince Gortchakoff. But, with the permission of the House, I will refer to the particular boundary mentioned by the Secretary of State for India in "another place." My noble Friend the Secretary for India said, in reply to the Duke of Somerset—

> "I am obliged to my noble Friend for putting his Question, because undoubtedly there has been an impression—I will not say in the public mind, but in the mind of some writers in the press—that the Secretary of State for Foreign Affairs, in indicating the boundaries of the two Provinces of Badakshan and Wakhan, has made a geographical error. Now, I am bound to say that if the Foreign Office had made any error in the matter, they would have been led into it by the India Office; because, of course, the Foreign Office applied to us for information. But I am happy to assure my noble Friend that, as far as I can understand, no error has been committed. A very careful memorandum on the frontier of those Provinces was drawn at the India Office from maps and most authentic information furnished by Sir Henry Rawlinson, who, besides being a most distinguished member of our Council, is also President of the Royal Geographical Society. That memorandum was sent out to India, and there it was discussed and considered by Lord Mayo. It was sent home in a despatch, drawn up, I am sorry to say, too late to receive his signature; but it was signed by Lord Napier after the noble Earl's death. That despatch entirely approves the line drawn by Sir Henry Rawlinson, which follows the Oxus up to a point where it branches into two comparatively small streams—one coming down to the Hindoo Koosh, and the other to a lake. The original intention was to adopt the southern branch, running down to the Hindoo Koosh; but there are a very considerable number of villages on both sides of the stream; and by Sir Henry Rawlinson's advice the right hand branch in the direction of the lake, beyond which there are no villages and no inhabited country, was taken. That boundary was fully assented to by the Government of India; and I have every reason to believe it is perfectly correct."

I hope the House, after that statement, fortified by the high authority of Sir Henry Rawlinson, will be of opinion that Lord Granville and the Foreign Office have made no mistake in the matter.

Afterwards—

MR. BAILLIE COCHRANE asked the Under Secretary of State for Foreign Affairs, What interpretation Her Majesty's Government put upon the Despatch of Prince Gortchakow of January 19 old style (31 new style), in which it is stated that the Russian Government accepts the frontier line of Afghanistan as laid down by England, because we have engaged to insist on Shere Ali giving up all measures of aggression or further conquest, and that the Russian Government see in this assurance a real guarantee for the maintenance of peace; and, whether Her Majesty's Government accepts the view of Prince Gortchakow that we have thus guaranteed the peaceful attitude of Afghanistan?

VISCOUNT ENFIELD: The interpretation put by Her Majesty's Government upon the despatch of Prince Gortchakow of January 19 old style (31 new style) and his views is, that it appears to be in accordance with Lord Granville's despatch of January 24, 1873, quoted by Prince Gortchakow, in which it is stated—

> "That Her Majesty's Government will not fail to impress upon the Ameer in the strongest terms the advantages which are given to him in the recognition by Great Britain and Russia of the boundaries which he claims, and of the consequent obligation upon him to abstain from any aggression on his part; and Her Majesty's Government will continue to exercise their influence in the same direction."

Prince Gortchakow appears to understand, as it was intended, that we should continue the exercise of our influence, which the Prince thinks will be sufficient for the purpose.

MR. BAILLIE COCHRANE asked, If the noble Lord would lay upon the Table the answer to Prince Gortchakow?

VISCOUNT ENFIELD replied that he had already stated that the Papers would be produced. When they were upon the Table, if the hon. Gentleman was not satisfied, perhaps he would kindly repeat his Question.

IRELAND—THE INQUEST AT HOLYWOOD.—QUESTION.

MR. W. JOHNSTON asked the Chief Secretary for Ireland, Whether he has any objection to lay upon the Table the Correspondence between the officials in Belfast and Dublin Castle during the progress of the recent inquest at Holywood on the bodies of Isabella Ker and Jane Toner?

THE MARQUESS OF HARTINGTON, in reply, said, he was sorry that he had not had an opportunity of taking the opinion of the Attorney General for Ireland upon this question, as that functionary had been occupied for several days past in conducting the Galway prosecutions. He hoped, however, to be able to inform the hon. Gentleman very shortly whether the Correspondence on the subject for which he asked, or any part of it, could be given. It was extremely voluminous, and he would be glad if the hon. Gentleman would inform him what portions of it he desired to have produced.

MR. W. JOHNSTON said, he would repeat his Question on Monday.

COOLIE PROSECUTIONS.—QUESTION.

SIR JAMES LAWRENCE asked the Under Secretary of State for the Colonies, If it be true that the Government have directed the Attorney General of Hong Kong to prosecute a coolie named Kwok-a-Sing on a charge which had already been heard and decided by the Chief Justice of Hong Kong, who in an elaborate judgment had declared that Kwok-a-Sing was entirely innocent of the crime with which he was charged, and that he had committed no offence whatever against the Laws of the British Empire?

MR. KNATCHBULL-HUGESSEN, in reply, said, that the coolie in question was a Chinese who had been shipped with other coolies at Macao. On the voyage the captain of the vessel and several of the crew had been killed, and the coolie being a Chinese subject, the Chinese Government demanded his surrender in order that he might take his trial for murder. He was therefore arrested; but the Chief Justice of Hong Kong discharged him under a writ of *Habeas Corpus,* declaring that if he had committed any crime it was that of piracy, *jure gentium,* and that, in his opinion, no crime had been committed, because the coolies were practically slaves and had a right to try to free themselves. The Attorney General of Hong Kong, believing that, in the interests of justice, the charge of piracy should be investigated, had proceeded against the man on that charge, and he was again discharged under a writ of *Habeas Corpus* by the Chief Justice, and brought an action against the Attorney General, in which, however, he failed. The Attorney General. received no instructions from home, but simply acted in the usual performance of his duties. The Government of Hong Kong was dissatisfied with the decision of the Chief Justice, and referred the matter home for consideration. The opinion of the Law Officers of the Crown had been taken upon it, and they pronounced it to be a proper subject of appeal to the Judical Committee of the Privy Council. That appeal was now pending.

CENSUS, 1871, RETURNS.—QUESTION.

MR. F. S. POWELL asked the President of the Local Government Board, When the publication of the Census, 1871, for England and Wales, will be completed?

MR. HIBBERT, in reply, said, that two volumes of the Census Returns had been already published, and that it was the fault of the printers if they had not been placed in the hands of hon. Members. The third volume, he regretted to say, was not yet completed, and would not be ready for some time.

THE "NORTHFLEET" COLLISION—RELEASE OF THE "MURILLO."
QUESTION.

MR. T. E. SMITH asked the Under Secretary of State for Foreign Affairs, Whether it is true that the "Murillo" has been released by the Spanish authorities; and, if so, whether it is on account of its being proved that she had not been in collision with the "Northfleet," or on account of the owners having given security for any damages to which they may be found liable; and, if he is not in possession of positive information, whether he will state what steps he has taken to ascertain the grounds of the prevalent report on the subject; and, whether all Correspondence with the Spanish Government on this subject will be laid before Parliament?

VISCOUNT ENFIELD: Inquiries have been made of our Consul at Cadiz, and he reported yesterday to the Foreign Office that the *Murillo* was still under custody. The Correspondence respecting this vessel will eventually be laid before Parliament; but as the Spanish authorities are conducting an official investigation at the present moment, it would, I think, be premature to produce the Papers alluded to.

IRELAND—THE LETTER MULLEN COASTGUARD.—QUESTION.

MR. MITCHELL HENRY asked the Chief Secretary for Ireland, Whether the Government has instituted an inquiry into the action of the Coast Guard at Letter Mullen, county of Galway, in firing upon some unarmed men, whereby two at least were killed?

THE MARQUESS OF HARTINGTON said, he had ascertained that an inquest had been held on the bodies of those men, but that the inquiry was not yet concluded. The resident magistrate had been directed to be present at the inquest, and also the constabulary officers. The case appeared to be undergoing full investigation, and it did not seem to him to be necessary to institute any further inquiries in the matter on the part of the Government; at all events, until the termination of the inquest.

IRISH AFFAIRS.—QUESTIONS.

MR. M'CARTHY DOWNING asked the Chief Secretary for Ireland, When he intends to introduce the Bill for the abolition of the Second Judgeship in the Landed Estates Court in Ireland; and, whether he will object to lay upon the Table of the House, Copies of the Correspondence which has taken place on the subject between the Treasury and the Executive in Dublin, and the officials of the said Court? He wished to know, also, what course the noble Lord intends to take with reference to the Report of the Select Committee on the Law of Rating (Ireland)?

THE MARQUESS OF HARTINGTON, in reply, said, that the Bill for the abolition of the Second Judgeship in the Landed Estates Court was in preparation; but that he could not say when he would be able to lay it on the Table of the House. Whenever he introduced the Bill he would also lay the Correspondence on the subject on the Table. With respect to the other Question of the hon. Gentleman, he could only say that he had been in hopes that the labours of the Committee would have resulted in producing, if not complete unanimity, at all events some mitigation of the differences of opinion which existed on the question with which they had to deal. He, however, regretted to find that such had not been the case, and that these differences of opinion were by no means confined to one side of the House. It appeared, therefore, to the Government that to introduce a Bill on the subject during the present Session would lead to a very considerable expenditure of time, possibly, without any satisfactory result, not to mention the reception which such a measure might receive in "another place," which, under the circumstances he had just mentioned, was somewhat doubtful. The subject also appeared to be one which might be more properly dealt with whenever the general question of local taxation and local government in Ireland came to be considered as a whole—a time which, in his opinion, could not be very much longer delayed. That being so, it was not the intention of the Government to introduce any measure founded on the Report of the Committee. He might, however, add that, as he entirely concurred in that Report, he would deem it to be his duty to support the Bill dealing with the question which stood on the Paper for second reading that evening.

SPAIN—KING AMADEUS—THE BRITISH FLEET IN THE TAGUS.—QUESTIONS.

SIR ROBERT PEEL said, that before he put to the right hon. Gentleman the First Lord of the Admiralty the Questions of which he had given Notice, he must preface them by reading the following telegrams:—

"Lisbon, February 15.—Ex-King expected. The Italian squadron is expected here. English squadron expected. The English squadron has arrived, and has been placed at the disposal of King Amadeus.

"February 16.—Three more ships belonging to the British squadron have arrived at Lisbon."

The Times supplemented that intelligence of February 15, with the information that two of the ships are the *Hercules* and the *Agincourt*, and adds that the Admiral has offered to convey the ex-King safely to Italy. Subsequent intelligence, he added, goes on to state that an Italian steamer has arrived at the service of the ex-King, and that a whole fleet of British ships has now arrived, which the Admiral has placed at the service of the ex-King. The Questions I have to ask are—What orders were issued by the Government for this sudden rendezvous of a British fleet in the Tagus? What is the number of ships assembled, and whether from the Mediterranean or other parts? And whether this naval demonstration of the British Government is intended as a protest against the establishment of the Spanish Republic, or as the commencement of a policy of interference in the affairs of the Peninsula? I wish also to ask whether, as reported in *The Times* of to-day from the speech of Senor Figueras in the Spanish Cortes, this whole fleet is merely "for the sake of the petty interests of a puny dynasty?"

VISCOUNT ENFIELD: My right hon. Friend the First Lord of the Admiralty has asked me to reply to the right hon. Baronet, and to inform him and the House that it was in consequence of a request conveyed to the Admiralty from the Foreign Office that a portion of the Channel squadron proceeded lately from Gibraltar to Lisbon; it was couched as follows:—

> "Foreign Office, Feb. 12, 1873.
>
> "Sir,—I am directed by Earl Granville to request that you will move the Lords Commissioners of the Admiralty to take immediate steps for providing a steamer at Lisbon for the reception and embarkation of the King and Queen of Spain, with a proper escort of ships to accompany them, and to make such additional provision of ships at Lisbon as might be left behind, if necessary, for the purpose of protecting British interests.—I am, &c.,
>
> "ENFIELD.
>
> "The Secretary to the Admiralty."

My hon. Friend the Secretary to the Admiralty, now in the House, will probably be able to state the exact number of ships that proceeded to Lisbon; but with respect to the other Questions addressed to me without Notice by the right hon. Baronet, I must decline making any reply at the present moment.

Sir Robert Peel

MR. SHAW-LEFEVRE: I may supplement what has been stated by my noble Friend by stating that the Channel fleet would, under ordinary circumstances, have been at Lisbon somewhere about the time when the King and Queen of Spain arrived there; but, in consequence of the despatch to the Admiralty from the Foreign Office, a special telegram was sent to Admiral Hornby, requesting him to hasten the arrival of the ships at Lisbon.

SIR ROBERT PEEL: Is the whole fleet from the Mediterranean there?

MR. SHAW-LEFEVRE: Not the whole fleet at present. Only three of the principal vessels.

BRITISH SETTLEMENTS ON THE GAMBIA.—QUESTIONS.

MR. MACFIE asked the Under Secretary of State for the Colonies, If he can give the House any information confirmatory or contradictory of the report that one of the British Settlements on the Gambia has been lately attacked; if he has reason to believe our countrymen at Bathurst are adequately protected or organised to resist the attack alleged to be threatened; and, if so, how and to what extent; and, if the Government has sent or contemplates sending any assistance for the security of life and property?

MR. KNATCHBULL-HUGESSEN, in reply, said, that despatches were yesterday received from Mr. Pope Hennessey, the Administrator-in-Chief of the West African Settlements, stating that no attack had been made on any portion of those settlements, but that an attack had been threatened by the Mahomedans, who having defeated the Pagans, with whom they had for some time been fighting, many of the vanquished had taken refuge on British territory. The administrator was about to proceed to the Gambia with H.M.S. *Rattlesnake*, but proposed to take no more re-inforcements, especially as H.M.S. *Decoy* was already at Bathurst. As to defence, arms had been sent out last year, steps had been taken to organize a militia, and a small steamer was about to be sent out to the Gambia to patrol the river, which the Government believed would prove a most effectual defence. The French Governor of Senegal had most handsomely, unsolicited, also sent a ship of war to the Gambia.

THE BREAKWATER AT COLOMBO.
QUESTIONS.

SIR JAMES ELPHINSTONE asked the Under Secretary of State for the Colonies, Whether the final arrangements have been made for the construction of the Breakwater at Colombo; if the Government have granted aid to the Colony on as favourable terms as have been conceded to the Harbour of Arbroath, and other works in this Country; when the works are to be commenced; and, if any estimate has been made of the period required to complete the Breakwater?

MR. KNATCHBULL-HUGESSEN: Sir, on the consent of the Ceylon Government, Sir John Coode had been appointed consulting engineer to the work. Lord Kimberley was in communication with the Treasury as to the advance which the Colony desired to obtain from the Public Loan Commissioners. A detailed survey was being made, until the completion of which it was impossible to state the exact time for the commencement, or the probable time for the completion, of the work.

PARLIAMENT—BREACH OF PRIVILEGE — MR. PLIMSOLL.

MR. T. E. SMITH: Sir, in rising to address the House on a Question of Privilege, I may say I wish to do so with the utmost diffidence and hesitation, and I should not venture to take the step I am now taking were it not that I am sure the House will extend to me, as a comparatively young Member, that patience and consideration which it has always shown on similar occasions. Did the matter to which I am about to direct attention affect simply and solely the honour of this House as a body, I should not have presumed to bring it under notice; there being hundreds of other hon. Members within these walls who are more fitted than myself to defend effectually and satisfactorily the honour of the House of Commons. But in the case to which I am about to refer not only has the honour of a section of the Members of this House been attacked—a section of which I am a Member—but, in addition to that, threats have been held out against them as to the consequences that would occur if they were to take part in the proceedings of this House. The statements and the threats to which I refer are made in a book which, being somewhat of a professional character, may not have been read by a number of hon. Members, and therefore it is that I have felt it to be my duty to bring this matter forward. I can assure the House that I feel in a peculiar manner the loss which the House has sustained in the person of the late Member for Liverpool (Mr. Graves) whose abilities and honour were so highly regarded by hon. Members, and more especially so by those connected with commerce, who were accustomed to look to him for guidance and support in all matters that affected mercantile interests. Now, this book which I am about to bring before the House is one which has been published this year. It bears the title of *Our Seamen—An Appeal*, and the name of the junior Member for Derby (Mr. Plimsoll) is given as its author. It is dedicated "To the Lady gracious and kind, who, seeing a labourer working in the rain, sent him her rug to wrap about his shoulders." I do not know whether that dedication is "by permission" or not, for the book does not state. I shall ask you, Sir, to allow extracts from the book, which I have selected, to be read by the Clerk at the table. They commence at page 71 of the work.

The Clerk at the table then read the following extracts:—

"You must remember large fortunes are being made by them; they are the most energetic and pushing men in the trade, and it should not be matter of surprise if three of them had even got into Parliament (remember Sadlier and Roupel were both in Parliament).

"Now I don't want to say a single word disrespectful to Parliament; it has been a matter of constant surprise to me, since I became acquainted with the amount of work a Member has to do, that so many men of ample means should be willing to devote their whole time in the best part of the year to gratuitous labour, all of them too (but two or three) men of high character and humane feeling; but, nevertheless, owing to the fact that two or three of what they call in the North 'the greatest sinners in the trade' having got into the House, it is there, and there only, that opposition to reform is to be expected, or is found.

"Without mentioning names perfectly well known in the sea-ports, I will give you an idea of what I mean.

"In the year 1870, when my Bill was before the House the first time, the evening appointed for the Second Reading arrived. I was standing in the Lobby, when a Member accosted me thus:—'Do you expect your Bill will come on to-night?'

"'Yes, I hope so,' I said.

"He said, 'I am sorry for that, as I have a dinner engagement; but I should not like to be absent.'

"'I think you should not be absent,' was my reply.

"'Why?' said he, sharply.

"'Because,' I said, 'I may have to tell the House of a man, whose name you will hear in any coffee room or exchange in Yarmouth, Hull, Scarborough, Whitby, Pickering, Blythe, Shields, Newcastle, Sunderland, or any port on the north-east coast, as one notorious for excessive and habitual overloading, and a reckless disregard for human life, who has lost seven ocean-going steamers, and drowned more than a hundred men, in less than two years, and whose name I have myself seen as one of those whose ships insurance brokers at Lloyd's at length warrant the undertakers they will not ship goods in, before the Underwriters will take a line upon them, and I may tell the House that that man is the Member for ————.'

"I thought the man would have fainted. He answered never a word.

"Now he had put on the paper a notice to move an amendment to the Second Reading of my Bill, viz., that it be read a second time that day six months. Every Member knows that if such a purpose is abandoned, it is only necessary for the Member who has given notice of the amendment to absent himself, or to sit still when his turn comes to speak,—that is all.

"Some twenty minutes after this interview (and another I shall speak of soon), I was in my place in a state of strong excitement, because I had just made two powerful enemies. I felt utterly alone in my work, and so sick with excitement and fear, that I was compelling myself to think of the poor widows I had seen to keep up my courage, when a hand was put upon my shoulder. Much startled, I looked round, and there stood this man, with a face like that of a dead man, and this is what he said:—

"'Mr. Plimsoll, I have been to Mr. Palgrave, and taken my notice off the paper.'

"Why did he go to Mr. Palgrave? Why did he trouble to tell me he had done so?

"The Bill came on too late that night for consideration, and was put forward; and when, early next day, I looked at the fresh issue of the Order Book, and looked amongst Notices relating to Orders of the Day, that Notice of Amendment was not there.

"I may say here that the Bill, though frequently put down afterwards, never did come on that Session, owing to the dreadful waste of the time of the House by incessant speech-making of Members who cannot really speak, but don't know it.

"Those who can't, and do know it, seldom address the House but when they feel it is their plain duty.

"After turning away from the Member I have referred to I encountered another, and told him that I thought he would do well to stay, because it was probable that I should refer to a case of a spar-decked ship being sent to Cronstadt in November with a cargo of iron, nearly twice as many tons as her register tonnage, with her main deck between two and three feet under the water line. He threatened me with an action for libel if I did; but the voters of Derby had made me strong enough to defy him. He said I had no right to name a matter relating to a Member without giving him notice. I reminded him that I was then giving him notice. He said he would not take it; and finally, with a dark and deadly, look, said, if I dared to allude to the case I must take the consequences. I was obliged to tell him that my duty was plain, and as to the consequences, I thought he was likely to take his share of them with me.

"You will see, therefore, that I had sufficient reason for the agitation I was in when the first Member made the astonishing and unnecessary (!) announcement that he had been to Mr. Palgrave, and had taken his Notice off the Paper.

"In 1871, when I brought in my Bill a second time, it was most anxiously debated by me with myself whether or no I should allude to these cases. Hoping to succeed without doing so, I did not allude to them in my opening speech, and of course was then precluded from doing so in my reply, and these two men actually took advantage of this omission to speak against the Bill, and put up another Member, who would, I am afraid, find it very embarrassing to answer some questions that might be put to him. (I recommend those gentlemen to be more discreet next Session, if they wish to preserve their incognito.)"

Mr. T. E. SMITH: The House is now in possession of the extract to which I allude, and I wish to assure the House that in entering upon this question I am not actuated by any personal or vindictive feeling. I have carefully read the book through more than once, and I have been unable to find any allusion which I could regard in any respect as a personal one. Had I found any insinuations against myself, I think I should have been able in justice to my own conscience to regard them with the contempt which I believed they deserved. But it is because I feel I am not personally alluded to that I venture to bring this matter before the House. The House ought to be aware that this book has been very largely circulated, copies have been sent to various public bodies and to a large number of Members of this House. I have not been able to discover that any copy has been sent to any Member connected with the shipping interest. No one specially interested in the question has had a copy sent him; but I do not wish to dwell upon that, because this book has been got out with all the advantages of excellent printing, good paper, and strong language. It is not to be expected that an author would hinder the sale of his book by sending a copy of it to anyone who was likely to buy it. I am not going to occupy the time of the House by quoting a large portion of what has been read by the Clerk at the Table. A good deal of it applies, or may be supposed to apply, to two Members who have already taken steps to obtain a legal remedy for what is published, and I am not going to follow the hon. Member for Derby through his sensational language; such as, for instance, "I thought the man would have fainted," "sick with excitement and fear," "this man, with a face like that of a dead man," "dark and deadly-look," &c. These hon. Gentlemen have appealed to a Court of Law; and in a Court of Law they must obtain their redress. But there are several passages which apply more especially to the House as a collective body, and to a section of its Members also as a collective body. There is an extract to which I wish to call the special attention of the House—namely,

> "You must remember large fortunes are being made by them; they are the most energetic and pushing men in the trade, and it should not be matter of surprise if three of them had even got into Parliament (remember Sadleir and Roupel were both in Parliament)."

Here we come to a definite charge against three Members of this House, who belong to a small section, numbering only six or seven persons. There are only six or seven professional shipowners in this House; and here is a strong and severe accusation against three of them. Two of them, as I have said, have gone to a Court of Law for their remedy; but we all know that Courts of Law are very tedious in their operation. We know it has been said that "the greater the truth the greater the libel," yet the converse of that is also true, and there is no amount of inaccuracy of statement in which a clever man may not indulge without bringing himself under the operation of the law of libel. Therefore it was not to be expected that hon. Members who are not so distinctly alluded to by name should sit still for a length of time under the imputation which the hon. Member for Derby has cast upon them. The principal inconvenience which arises from the course which the hon. Member has taken is that, while he alludes to only three Members, every shipowning Member of the House has become liable to the suspicion that he is one of those three. I have myself heard the name of every shipowner in this House suggested as that of the third Member to whom the hon. Member alludes. I have heard every name except my own; and it is not for me to say whether when my back is turned my name may not have been mentioned also. Now, I do think that when these rumours are going about so extensively as not even to spare the memory of the dead, it is time some notice should be taken of them in this House. If the hon. Member for Derby had had the good fortune to have been a director of some large commercial establishment—say, a Director of the Bank of England—and had published that half of his colleagues on the Board were habitually insolvent, he would at once be called upon to justify the statement that he had made by giving the names of the parties to whom he had alluded, and would not be allowed to leave them waiting for a remedy in a Civil Court. I do not see why this House should be less jealous of the honour of its Members than any mercantile corporation would be. I know it may be said that the hon. Member has given Notice of a Motion for the appointment of a Royal Commission to inquire into this matter, and that before that Royal Commission he is prepared to justify the charge he has made. But what is a Royal Commission? The hon. Member knows perfectly well that a Royal Commission has nothing to do with regard to any libellous statement which he or anyone else may make. And yet the hon. Member proposes to ask this House for a Royal Commission to suspend the law of libel and to enable him to scatter his insinuations broadcast over the land without incurring any responsibility for them. That this is not a mistaken view on my part will be seen at page 42 of his book. He there speaks copiously of "the terrible law of libel" as one of the things that prevents his bringing forward the facts he wishes. Now, I believe it is quite an exceptional thing for a man to make an *ex parte* statement, and then to ask for a Royal Commission to investigate its truth. We have had cases of Royal Commissions at Sheffield and elsewhere, but there has been always some preliminary investigation. There has been always some *primâ facie* evidence to show that crimes are general. Never has there been a case in which an hon. Member has published strong statements in a book, and then asked for the appointment of a Royal Commission to enable him to prove the truth of those statements. The real extract to which I wish to call attention is—

> "Owing to the fact that two or three of what they call in the North 'the greatest sinners in the trade' having got into the House, it is there, and there only, that opposition to reform is to be expected, or is found."

Now, I would ask, what right has the hon. Member for Derby to bring such an accusation against this House? He does not pretend that these offences, the accusations of which are spread so widely around, are merely committed by hon. Members. He says they go on in all the ports of the country, and that it is a common crime that ought to be put down; and yet he says that this is the only place where opposition is to be found. The only inference which can be drawn from the remark of the hon. Member for Derby is that interest and private feeling have so much influence in this House, that in this House an opposition dares to raise its head which cannot venture to find utterance in any other public place in the kingdom. The next extract to which I shall call attention is of a more serious character, because if there is one thing which distinguishes this House more than any other constitutional Assembly in the world it is its jealousy with regard to the right of freedom of debate. From the highest to the lowest this House has always tried to shield its Members from any consequences which might arise from taking part with the utmost freedom in any debate. With this preface, let me now read what the hon. Gentleman says in his book—

> "In 1871, when I brought in my Bill a second time, it was most anxiously debated by me with myself whether or no I should allude to those cases. Hoping to succeed without doing so, I did not allude to them in my opening speech, and, of course, was then precluded from doing so in my reply; and these two men actually took advantage of this omission to speak against the Bill, and put up another Member, who would, I am afraid, find it very embarrassing to answer some questions that might be put to him. (I recommend those gentlemen to be more discreet next Session, if they wish to preserve their incognito.)"

Now, what is the meaning of this "incognito?" It cannot be the incognito of these gentlemen as Members of this House, or as shipowners, because their names can be discovered by the register of every ship belonging to them in the country. But the incognito he threatens to drop is the fact of their being the men against whom he has brought serious and grave charges; and he threatens them that if they speak against his Motion he will expose them still further. If that is not a distinct threat against Members of this House, and a distinct interference with the liberty of debate, I, for one, confess that I am ignorant of the meaning of the English language. The crimes with which the hon. Member charges other hon. Members are too serious for any of us to hesitate to speak respecting them. We all feel that these crimes are most outrageous; that if they be true—if the hon. Member has the facts to justify these statements, he ought to have brought forward at once the names of the persons he accuses, and have taken the consequences. That would have been the honourable, courageous, and more manly course. But if he had not sufficient evidence upon which to make the charges, he should not say that very strong language might be used with regard to them, following up this statement by asking for a Royal Commission, under the shadow of which he might make further statements. I do not want to occupy the time of the House any longer. The hon. Member for Derby is a young Member of this House, and it may be that he has not calculated the full weight and effect of the expressions he has used. But I felt I should be wanting in respect for the dignity of this House, in respect for the character of the mercantile world, and in respect for my own honour, if I had not brought this subject before the House. I will now conclude with moving my Motion.

Motion made, and Question proposed,

> "That to accuse, in a printed book, Members of this House of grievous offences, and to threaten them with further exposure if they take part in its Debates, is conduct highly reprehensible, and injurious to the honour and dignity of this House."—(*Mr. Eustace Smith.*)

MR. PLIMSOLL: Mr. Speaker—In rising to address the House to-day, I do so under very considerable disadvantage, for, until they were read from the Table, I was not aware for what passages in my work I was to be called upon to answer. It is possible that had I had Notice of them I might have examined the context and been able to show that the passages admitted of a modified construction. I do not, however, for one moment, wish to screen myself behind any ambiguity or mere form of words, and having consulted the highest authority, I am advised that I have committed an inadvertent offence against the House. Sir, I am deeply concerned that such should be the case—that any language of mine could possibly convey any meaning which could be deemed lacking in that high respect for the House to which alike its honourable traditions and its high character give it so just a title. I beg to assure you, Sir, and every hon. Member of this House, that nothing whatever could possibly have been further from my intention. As, however, it does appear possible that my meaning and intention may have been so far misunderstood, I have to offer to you and to the House the sincere expression of my regret that, in the earnestness with which I sought help for the helpless, coupled with my inexperience as a Member, I should have left anyone room to doubt that for the House I entertain, and ever have entertained, feelings of the very highest respect. For my most unintentional fault, I offer to you, Sir, and to the House, the most ample apology it is in my power to make; and I assure the House that to have become one of its Members I esteem, and ever shall esteem, to be the greatest honour and the highest distinction of my life.

And the hon. Member then withdrew.

MR. HORSMAN: I am sure that after the very proper speech to which we have just listened the House cannot desire that this matter should proceed any further. My hon. Friend behind me (Mr. T. E. Smith) has discharged what he thought a public duty in bringing this question before the House, and the hon. Member for Derby (Mr. Plimsoll) has made the amplest apology which, as a Member of this House and as a gentleman, he could make. Any man may commit a great offence; but the real man is the man who makes the *amende*, and what the hon. Member has said to the House on this occasion has shown that the offence was unintentional, and it ought not to be remembered further by the House. Under these circumstances, I am sure my hon. Friend will not think it necessary to proceed further with this Motion, and will, in accordance with the general wish of the House, at once withdraw it.

MR. T. E. SMITH: I have already stated that I was not influenced by any personal or vindictive feeling in bringing this matter before the House; and after the full and ample apology which the hon. Member for Derby has made, I feel that I should only be acting in a manner contrary to my professions if I were to proceed further, and therefore I will withdraw the Motion.

MR. GOURLEY: I feel that every Member of the House is bound to accept the apology that has been made; but I believe that the House will think that, having consulted my legal advisers, I ought not to address the House upon the matter. Neither will I refute any of the assertions and allegations which have been apologised for by the hon. Member for Derby. But inasmuch as this House has always guarded the honour of its Members, however humble, I hope that the House will not consider the statements made by the hon. Member to be true because I have not refuted them. I should have been perfectly willing to do so if in the opinion of the House I ought; but if the House thinks that I ought to remain silent, I will readily submit to the feeling of the House.

MR. GLADSTONE: I wished to say, before the speech of the hon. Gentleman who has just sat down, that I quite agree with my right hon. Friend the Member for Liskeard (Mr. Horsman) in thinking that, in the difficult circumstances of this case, the speech of the hon. Member for Derby (Mr. Plimsoll) has left it upon a footing on the whole fair and equitable. An issue is raised between himself and certain Members of this House. That issue is to be tried elsewhere. We must feel that my hon. Friend (Mr. Plimsoll) is in a position of difficulty with regard to them, and that they also are in a position of difficulty with respect to him. But the frank language in which my hon. Friend the Member for Derby has recognised and acknowledged the fact that he has—from the motives, doubtless, which he has described—been misled into the commission of a serious error, must make us feel, I think, that the House can ask for no more at his hands. I think my right hon. Friend expressed the general feeling of the House when he said that it is not necessary to proceed with the Motion.

Motion, by leave, *withdrawn.*

PREVENTION OF CRIME BILL—[Bill 36.]

(*Mr. Bruce, Mr. Winterbotham.*)

SECOND READING.

Order for Second Reading read.

Mr. BRUCE, in rising to move that the Bill be now read a second time, said, it was essentially one of details, and before explaining what he hoped would complete the measures necessary for the supervision of the criminal classes in this country, he might review shortly the legislation which had been passed on the subject. Just 20 years ago, transportation was abandoned with reference to Tasmania:—it was continued to Western Australia, but on a very reduced scale. The Act of 1853, which established penal servitude as a partial substitute for transportation, was amended in 1857; and in 1864, after inquiry by a Royal Commission, an Act was passed which was intended to preserve society from the results of liberating in this country a vast number of criminals who up to that time had been draughted to the colonies. The necessity of the case would be apparent from a review of the enormous number of criminals transported during the period between the years 1830 and 1852. From 1830 to 1839 no less than 41,081 were transported—an average of 4,108 each year; from 1840 to 1849 the number was 32,509, or an average of 3,250; from 1850 to 1852 the number was 8,555, or an average of 2,851. The alarm which the liberation in this country of criminals so numerous excited could not therefore be regarded as matter of surprise. The Penal Servitude Act provided for the liberation of prisoners before their sentence had fully expired, subject to certain conditions; and if those conditions were infringed they would be liable to detention in the convict prison for the full term of their original sentence. In 1867 transportation, which had been gradually diminished, altogether ceased, and it became evident that some new measures should be adopted to prevent an increase of crime, and the danger arising from such increase; and if his predecessor (Mr. G. Hardy) had remained in office, he had no doubt he would have felt it his duty to introduce a measure similar to that which was then proposed. In 1869 the Habitual Criminals Act was passed mainly with the object of speedily arresting those who, having been liberated from gaol, had returned to a life of crime. Its operation had been carefully studied, and many persons having experience in such matters had reported favourably of it; numerous amendments, however, had been suggested, especially by those who had given attention to the reformation of criminals, and the Government had been urged to extend the principle of the measure in some respects. The Prevention of Crime Act, 1871, was the result. It introduced a system of real supervision not only over those who were under sentence of penal servitude, but it also enacted that those who had been more than twice convicted of grave offences should, upon changing their residence, report themselves to the police of the district they were leaving and to the police of the district to which they migrated; and it also deprived them of the presumption of innocence that other members of the community possessed. The results of this Act, as far as they could be ascertained, were detailed in a Paper presented to Parliament at the close of last Session, but it could not be said that the extraordinary diminution of crime then shown had been wholly caused by recent legislation; no doubt many causes had contributed to the result. The supply of criminals had been cut off by the reformatories and industrial schools; emigration had opened a field to those active spirits who would in too many cases have become criminal, and poverty also — that fruitful source of crime — had diminished; education also had no doubt done its part, and an improved system of police also had contributed to this beneficial result. The country was likewise very largely indebted to the Discharged Prisoner's Aid Society, which furnished assistance to those who, when discharged from prison, wished to lead good lives. There could be no question, however, that the increased powers given to the police had had a remarkable effect in diminishing crime. The life of a criminal who was under supervision was one of great danger and difficulty if he still pursued criminal courses—and, indeed, it was almost impossible for a known criminal to persist in the exercise of his vocation. The Government had, at the same time, the fullest evidence that these powers were not so exercised as to interfere with any criminal who desired to turn to an honest life. The Habitual Criminals Act did away with the necessity of a monthly report of himself by the criminal to the police, and this step was taken upon the advice of those who had practical experience of the subject. But after two years' trial a return to the former system was effected by the Prevention of Crimes Act, with this difference — that the license-holder, or person under supervision should not necessarily be obliged to report himself to the police, but might do so to any person approved by the police. This was done in order to diminish the risk of discovering, and thus interfering with, the employment of those who desired to live an honest life. The experience of two years justified these measures, and the diminution of crime which followed their enactment was attributed to them by Judges, Chairmen of Quarter Sessions, Chief Constables, and others engaged in the administration of justice. The greatest number of penal servitude sentences passed in one year was in 1862, when short sentences of three or four years were passed. In 1865, however, these short sentences were abolished, and the minimum sentence of five years substituted. For the purposes of comparison it would be expedient to take a later period. The following were the facts in reference to the diminution of crime during the last four years:—in 1869 there were 2,006 sentences of penal servitude passed; in 1870 the number was 1,788; in 1871 it was 1,628; and in 1872 it was 1,494, showing a reduction of 25 per cent in four years, that reduction being simultaneous with a very large increase of population. It might perhaps, however, be said that though the more serious cases had decreased in number, yet there was no proof that the number of criminal offences had decreased, and that the sentences to penal servitude had decreased in number because Judges could not now send to penal servitude for less than five years. But how was the fact? The statistics of the number of indictable crimes committed would probably be a more sure guide, but they gave the same result. For the year ending the 29th of September, 1869, the indictable crimes committed numbered 58,441, and for the year ending in 1872 the number was 44,191, showing a reduction of 24·3 per cent. The number of persons committed for trial during those years was in 1869, 19,827, which in 1872 fell to 15,164, showing a reduction of 23·5 per cent. In the metropolitan district the diminution of crime had been still more remarkable, and nowhere had the good effects of police supervision been more apparent. In the metropolitan district the decrease of indictable offences had been from 17,918 in 1869, to 12,894 in 1872—a reduction of 28·0 per cent — though there had probably been an increase in the population at the same time of 160,000. There was another very gratifying proof of the diminution of crime during this period. A most important duty of the Secretary of State for the Home Department was to provide for the custody of persons condemned to penal servitude. The cessation of transportation and the increased length of sentences had, of course, produced a sensible increase in the number of persons thus to be provided for, and estimates were transmitted to him from time to time with a view to the making of such provision. On a recent occasion, however, such had been the steady reduction of crime, that the Director of Prisons was able to make an estimate falling short by 700 of the number which he had formerly calculated as necessary to be provided for by those who questioned the diminution of crime. It had been said that concurrently with this decrease in the graver class of crimes there had been an increase in the lesser offences against the law. That, no doubt, was the case. It was a fact which experience demonstrated, that in times of prosperity there always was a decrease in the graver class of offences, while there was an increase in the less grave. He did not suppose that in any times, however prosperous, the number of habitual criminals was really diminished—these persons were usually much opposed to labour, and the mere existence of a greater demand for labourers would not, in all probability, induce them to work —but he had no doubt that times of prosperity had a very great effect in diminishing the number of those who fell into temptation under the pressure of want. Times of prosperity, however, led to much idleness and drunkenness, and therefore to an increase in the number of the minor offences. He felt bound to say that he thought the time was not far distant when Parliament should apply itself to the consideration how these classes of minor offences might best be diminished. We knew by experience that there were persons who had committed 20, 30, 40, and even 100 offences, and a great portion of whose lives was spent in prison. Many who had considered this subject were of opinion that it would be a matter worthy of the attention of Parliament whether accumulated punishments for some of those offences might not properly be inflicted upon habitual offenders. However, although not disinclined to concur in that view, that was not the subject now before the House, which was to amend the existing law with a view to the prevention of the more serious forms of crime and the supervision of criminals. He would now state what were the amendments to be proposed in the Bill, which to some might seem disproportionate to the importance of the facts to which he had just referred. These amendments were intended chiefly to remedy certain defects in the working of the Act of 1871. The Penal Servitude Act of 1864 provided certain punishments for a breach of the conditions set forth in the schedule. A clause in the Act gave the Secretary of State power from time to time to append to the license to be at large, other conditions as well, but did not provide that the punishments named in the Act should follow the breach of the new conditions. The effect of one of the principal clauses contained in the Bill was to provide that the breach of the new conditions which might be imposed by the Secretary of State should be followed by the same consequences as a breach of the conditions specially mentioned in the Act of 1864. The clause gave further effect to the provisions of the Act, by providing that the license might be forfeited for an offence committed before the expiration of the term of penal servitude, notwithstanding that there might not have been a conviction before the expiration of the license. Under the Penal Servitude Act, whenever the holder of a license committed an indictable offence, and was tried again, his license was forfeited, *ipso facto;* but the Judge was not under the necessity of reporting him to the Secretary of State. Whenever, on the other hand, the holder of a license was summarily convicted, it was incumbent on the magistrate to report this conviction to the Secretary of State, to whom was entrusted the power of further committing him for the unexpired portion of his sentence, or such less period as he might think proper. One of his proposed amendments remedied this discrepancy. The 5th clause was more important. He did not think it was a departure from the principle on which we had hitherto acted, though to some extent it was an enlargement of that principle. The House would remember that under the Prevention of Crimes Act certain offences were visited with certain exceptional consequences. Upon repeated convictions for certain offences there followed the loss of the presumption of innocence. In other words, where a person had been convicted of certain offences, and was found under suspicious circumstances—consorting with thieves, or in the neighbourhood of premises with apparently dishonest intentions—he was put on the defensive and bound to give a satisfactory explanation. In cases where the offence was more serious the Judge had the power of adding a sentence of supervision by the police, and that involved the necessity on the part of the prisoner of reporting himself monthly to the police, and also of reporting himself whenever he moved from one part of his district to another. The object of this clause was not to impose a sentence of supervision, but to withdraw the presumption of innocence from those who within seven years before the passing of the Prevention of Crime Act of 1871 might have been found guilty of the more important offences mentioned in that Act, although they had not been found guilty of any such offence since the passing of the Act. He hoped the House would accept that extension of the principle to which he referred. He believed it would be an advantage, not only to society, but to the offenders themselves, that every obstacle should be thrown in the way of their pursuing a criminal career. The 6th clause provided for an omission in the previous Penal Servitude Acts and the Acts for the Prevention of Crime. These Acts provided that the offender when released from gaol should report himself to the chief officer of police in the district, and also whenever he left the place; but they did not provide that before leaving the gaol he should report where he was going to, and that in case he did not go to the place which he announced as the place of his future residence he should be subject to punishment. This section supplied that omission. It also gave power to a constable to arrest, without warrant, any persons violating that regulation. The 8th clause extended to the children of male offenders the provision made with respect to the children of female prisoners —that is to say, where the father of a child apparently under 14 years of age had been committed under the Act, the child might be sent to an industrial school. This provision had worked well as regarded the children of female convicts, and there was no reason why it should not be extended to those of male convicts. The remaining clauses were of minor importance. He believed the Bill would provide an efficient system of supervision, one which would protect society and would also be to the advantage of the criminal. All must, as Christians and men, desire the reformation of the criminal classes, and, if possible, to enable them to return to society as honest men; they had a selfish interest in that reformation, for it made all the difference to society whether the convict was restored to freedom fitted for a life of industry and honesty, or whether he would continue his former courses. He hoped that this would be the last measure which it would be necessary to pass on this subject, and that sufficient experience had been gathered to justify him in undertaking to consolidate the five Penal Servitude Acts and the Act for the Prevention of Crime as amended by the present Bill. Nothing was more difficult or dangerous than to attempt the consolidation of Acts simultaneously with Amendments of them, but if this Bill passed and its principle received full approval, he should be ready at the earliest opportunity to introduce a measure consolidating all the Acts on this subject. The right hon. Gentleman concluded by moving that the Bill be now read a second time.

MR. WEST complimented his right hon. Friend on his introduction and judicious administration of the Habitual Criminals Act, which, coupled with the operation of Reformatories and Industrial Schools, had led to so gratifying a decrease in crime, especially during the last two years. They must all feel much indebted to the right hon. Gentleman for his exertions to improve the criminal law, but at the same time he advised the House to be jealous of any extension of the system of police supervision—a system which exposed those who fell under the operation of the criminal law to greater hardships, and involved great dangers, which our forefathers would not have sanctioned; though he was not prepared to say that within its present limits its disadvantages had counterbalanced its advantages. After recommending that the delegation of authority by chief officers of police to other persons should be subject to the approval of the Home Secretary, or to some other control, the hon. and learned Gentleman complained of the unintelligible way in which the Bill had been drawn, Section 2 referring loosely to "the Penal Servitude Acts or any of them," another section making a wrong reference, and other sections making no reference at all to the Acts which were dealt with. He urged that, were more pains taken in preparing statutes, the course of business in the House would be more smoothly carried on, while the courts of justice would have much less difficulty in construing them. He suggested the reference of the Bill to a Select Committee, in order that it might come back in a more intelligible form, unless the Government was prepared to introduce carefully considered Amendments.

MR. GATHORNE HARDY joined in the remonstrance of the hon. and learned Gentleman as to the difficulty of understanding the precise meaning of the clauses. He was about to make similar remonstrances as his hon. and learned Friend had done with respect to the way in which the provisions of the Bill had been drawn up. Several of those clauses, by their references to other Acts, would defy all reasonable construction—indeed, the Bill was one of the most unintelligible he had ever seen. He was aware that his right hon. Friend intended hereafter to consolidate all these measures, but in the meantime great complication and difficulty would exist. To refer to "licenses under all the Penal Servitude Acts or any of them," would oblige anyone to consult all these statutes—one of them passed nine years ago. In other cases it would be necessary to refer to Acts which were partly repealed, to see how much of them was repealed. This mode of drawing Bills was quite unreasonable. A certain form of words was given to be introduced into another Act, so that two volumes of the statutes would always have to be consulted. These might appear small criticisms, but it was desirable to avoid the recurrence of such comments as had been recently made by some of the Judges on certain statutes. Had his right hon. Friend drawn the Bill he would certainly have given it a more intelligible shape. As it was, no hon. Member could understand it without carefully consulting other statutes. In one clause reference was made to persons subject to supervision in pursuance of the Habitual Criminals Act, without mentioning the particular clause of that Act. [Mr. BRUCE explained that the object was that those under supervision should still remain so.] Clause 6 referred to sections in another Act, necessitating a reference thereto. He was anxious to prevent the measure, in its present shape, going before the learned Judges of the land, so that this House should not again expose itself to the remarks from the Judicial Bench which they had often heard made before—that the Bill had been drawn up with great carelessness, and its provisions were most ambiguous as to their real meaning. There was not a single piece of clear enactment in the Bill. It was all reference, to save the time of the draughtsman and increase the difficulties of the House in legislating and the Judges in interpreting the clauses in the Bill.

MR. PEASE said, he had listened with great attention to the statement of the right hon. Gentleman (Mr. Bruce), particularly as far as it related to his intentions for the future. He was glad attention had been called to the style in which this Bill was drawn, and he trusted means would be taken by the Government to give in a clear manner information desired by the House and by the Judges. With regard to the class of criminals constantly before the smaller Courts, he hoped the laws affecting them would be codified, and the penalties rendered cumulative.

MR. HENLEY said, he was sorry to find that the Government continued to follow the bad example of drawing Bills in such a manner that it required "handbooks," and other volumes, to assist in their interpretation. Draughtsmen considered the present mode a very neat way of drawing Bills, but it was sometimes done so neatly that the draughtsman did not always clearly know what he had done, and it was quite clear that when the Acts required interpretation the Judges found it almost impossible to do so satisfactorily. He saw no possible advantage in legislating in that manner, and in referring an unfortunate magistrate from one Act of Parliament to another in order to make out what the law was. Hardly an Act passed that did not sin in that way; and he really hoped that the Government would set an example by adopting better habits, so that they might have Acts passed which there was some chance of people understanding.

MR. BOWRING said, the Bill of 1871, in one of its clauses, bore hardly on dealers in old metals, and he wished to know whether that would be remedied in the present Bill or by a future measure?

MR. WINTERBOTHAM said, the subject referred to by the last speaker would be dealt with in a separate Bill this Session. With regard to the chorus of disapprobation which they had heard against the draughtsmen, no doubt that Bill was a very favourable specimen for the opponents of those gentlemen to pitch upon, because, as his right hon. Friend (Mr. Bruce) had explained, that measure was intended to be preparatory to a consolidation Bill, which would afterwards be introduced. Its was essential, if they meant to consolidate the law, that the amendments made in it should be distinguished from its consolidation. That Bill had the advantage that in the clearest manner it drew attention to each particular amendment about to be made in the law which they wished to consolidate. If they were to adopt the principle that they were never to make any enactment by reference, but always to repeat the whole enactment, all their Bills would be a kind of "house that Jack built," and their legislation would be extremely cumbrous and inconvenient, as well as far more unintelligible to ordinary minds. Every one of the clauses in that Bill, however intricate they might seem, had been passed with the object of calling the attention of the House to the specific amendment of the Act which each clause was intended to carry out.

Motion *agreed to.*

Bill read a second time, and *committed* for *Thursday* next.

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL—[BILL 15.]

(*Sir Thomas Chambers, Mr. Morley, Mr Leith.*)

THIRD READING. BILL PASSED.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."—(*Sir Thomas Chambers.*)

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Collins.*)

Question put, "That the word 'now' stand part of the Question:—The House *divided:* Ayes 98, Noes 54; Majority 44.

Main Question put, and *agreed to:*—Bill read the third time, and *passed.*

UNION RATING (IRELAND) BILL.

(*Mr. M'Mahon, Mr. Downing, Mr. Stacpoole.*)

[BILL 23.] SECOND READING.

Order for Second Reading read.

MR. M'MAHON, in moving that the Bill be now read a second time, explained that the object of the Bill was to assimilate the law of Ireland to that passed for England in 1865 with reference to the substitution of union for parochial rating. The anomalies and abuses which existed in Ireland in the question of rating had long been felt to require a remedy, and repeated attempts had been made to deal with the subject; and he had introduced a Bill on the same subject in 1869 when the Government promised to appoint a Committee to consider it, and in 1871 a Committee of this House reported in favour of union rating by a majority of 1, and so obvious was it that a Bill to carry it out would be accepted by that House that the expedient of talking it out was resorted to. He was fully persuaded that if the Government were fully aware of the state of public feeling on the subject they would at once bring in a measure of their own. Of all the borough Members for Munster, Leinster, and Connaught, the only one who opposed this Bill was the hon. Baronet (Sir George Colthurst), who had given Notice of his intention to move the rejection of it. The bulk of the resistance to the present measure came from the province of Ulster, where its effect would be least felt, though nearly one half of the borough Members gave it their support. In conclusion he moved the second reading of the Bill.

MR. BROWNE, in seconding the Motion, said, that, according to the Report of the Select Committee which sat to consider this subject last year, there was no doubt that by the existing electoral system of rating in Ireland, the greatest possible injustice was done to the occupiers in towns. None of the large towns, which suffered so much under the present system of rating, had derived any advantage from the Land Act. It was only fair that Ireland should have the same advantages with regard to local rating as those possessed by England, and, no doubt, if the House would allow the second reading, the Act would be fully appreciated by Ireland.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. M'Mahon.*)

SIR GEORGE COLTHURST said, he rose to move the rejection of the Bill, and he would assign three reasons for doing so. First, the majority of persons interested in the question—namely, the various Boards of Guardians in Ireland were against the proposed change; 117 had voted against it, 19 for it, and 30 had expressed no opinion. Second, the Bill would operate harshly towards proprietors who lived upon their estates, who had provided their labourers with proper dwellings, and who gave employment to the population. Third, the Bill would prevent, if not completely destroy, the local supervision now exercised by rural guardians, and make it a matter of little interest to them whether they attended their Boards at the time appointed for meeting, so that the town guardians would be left with almost absolute control over the rates. The Bill would also tend to increase the rates in the rural districts. But he had a still stronger objection—a measure involving so important a change should have been introduced by the Government and not by a private Member. The Government, he believed, had no Law Officers in the House connected with

Ireland; he must, therefore, appeal to the noble Lord the Chief Secretary, and ask him why the rule he laid down the other night with reference to the Grand Jury Laws had not been observed in this case—namely, that the question should not be dealt with till the whole system of local taxation was discussed; for this was a matter connected with local taxation. The noble Lord the Chief Secretary for Ireland had intimated his intention to support the Bill, but if the Government had approved of it they should have brought it in themselves. It was not for him to divine the reasons which had induced the Government to support the second reading of the Bill. The fact that the Report of the Committee in favour of the proposed change was carried by so narrow a majority should have prevented this, especially as the evidence given against the proposal vastly preponderated. The Prime Minister had told them that Ireland must now be governed according to Irish ideas; but a measure of this kind would neither satisfy the wants nor be in accordance with the wishes of Irish Members. He moved as an Amendment that the Bill be read a second time that day six months.

Mr. KAVANAGH, in seconding the Amendment, observed that the hon. and learned Member for New Ross (Mr. M'Mahon) had said that all his efforts had been directed to the assimilation of the law of Ireland to that of England. The hon. and learned Member must have forgotten the Church Bill and the Land Bill, neither of which were in the direction of assimilation. He opposed the Bill because he believed that it would not only be financially detrimental to the rural classes who composed the large majority of the population, but also morally detrimental to all whom it would affect, and he was sanguine enough to hope to be able to substantiate these assertions to those who would try the case on its own merits, and by the test of common sense; but before entering into those matters, he thought that there were some circumstances connected with the proceedings of the Committee which investigated the law of rating which ought to be mentioned to the House. The Committee appointed in the Session of 1871 sat 21 days and examined 26 witnesses. The evidence was reported to the House on the 4th of August, and the Committee recommended that it should be reappointed next Session. In 1872 another Committee—not the same—was appointed. Before that time, the late hon. Member for Galway (Mr. Gregory), who had been a member of the former Committee, and who was opposed to union rating, received well-earned promotion to a high position. An effort was made to get another Member appointed in his stead, but it failed; and, consequently, the opponents of union rating were, as the Committee was then constituted, placed in a minority of 1. Out of the 32 divisions which took place there were eight in which the supporters of this measure triumphed only by the casting vote of the Chairman. Had the proper balance of opinion which existed on the Committee, as constituted in 1871, been preserved, these eight divisions would have been carried the other way. The result was, that the Report of that Committee, carried by the narrowest majority, was, he believed, directly at variance with the evidence laid before it. He believed this Bill would be detrimental to the vast majority of the inhabitants of Ireland. Mr. Power, the Poor Law Commissioner, admitted that in the 3,428 electoral divisions in Ireland there were 2,405 whose rates would be increased by the operation of this Bill, and only 919 which would gain by it, and that out of the 919, there were only eight cases where any extreme instance of disproportionate inequality of rating existed. The moral effect of it would also be detrimental. It would take away the responsibility which now attached to proprietors, and which led them, in a great number of cases, to take a great interest in the welfare of the poor. It would paralyze an immense amount of private charity and private care which was bestowed upon the poor, and would thereby increase the local rates. The Bill endorsed the principle that one man should be liable for another man's debts, or, to use the old proverb, that they should rob Peter to pay Paul. The advocates of the measure asserted that landed proprietors had cleared their estates of paupers and driven them into the towns; and the hon. Gentleman who had charge of the Bill mentioned that that had been the case in the neighbourhood of New Ross. He (Mr. Kavanagh) was very well acquainted with the neighbourhood of New Ross, and he challenged the hon. Member to state a single instance as having occurred within the last 20 years.

The main arguments in favour of union rating were based on vague charges and generalities such as the hon. Member had adduced — in not one single case had such been substantiated by the evidence—the onus of proving a negative lay on those who opposed a change in the law, and when they proposed to do so by the production of witnesses, who were only too willing to be examined, from all parts of the country, they were met by loud complaints of the length to which the inquiry would be protracted. Various other absurd reasons had been advanced in favour of union rating, it had been said that it would prevent prostitution and disloyalty, and cure chilblains! And even the argument as to assimilating the law with that of England was proved on examination to have no good foundation. The official witnesses who were produced to give evidence in favour of this assimilation, one and all admitted that no analogy existed between the Poor Law systems of the two countries. The bad effects of the Law of Settlement was a main and cogent reason urged in favour of union rating when it was adopted in England—no such law existed in Ireland—the close parish was another plea dwelt on with equal force. He would ask what similitude existed between an English parish and an Irish electoral division? Every witness proved that there was none. So far from such being the case, in many instances the area of a single Irish electoral division exceeded that of an entire English union. He further deprecated this plea of assimilation, firmly believing that the adoption of union rating in England had been, in a great measure, the cause of the increased and increasing expenditure. A dispassionate review of the evidence given by Mr. Lambert before the Committee, would prove that, before the year 1862, the expenditure in England for the relief of the poor had been decreasing; that in that year the first step was taken towards union rating, and the increased expenditure began. In 1866, union rating became law, and from that time to the present the increase had continued to a fearful extent, the yearly ratio of increase increasing too. It should also be remembered that union rating could at present be adopted by any union in Ireland at pleasure—this had been done in the instance of the Dunmanway Union; but the board, after a short trial, unanimously returned to the former system. He hoped that the House would, judging this measure upon its own merits, consign it, fraught as he believed it to be with evil and injustice, to oblivion.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Sir George Colthurst.*)

MR. BAGWELL said, that he thought that the name of the Bill would have been sufficient to command the sympathy of the English part of the House, its object being to assimilate the law of Ireland on this subject to that of England. The hon. Gentleman who had just spoken had argued the question as if it were a matter of money, and appeared to contend that if a man paid a small sum hitherto he ought to continue to pay only a small sum. He, as an Irish gentleman, would prefer to argue the question on other grounds. He held it to be a very secondary consideration whether the rates were high or low as far as regarded the persons who paid them. But as it affected the labouring population, the matter was very different. It was there where the shoe pinched. There was a very general opinion that Ireland had prospered very much of late years. But, however true that might be of other classes in Ireland, it was not true of the labouring classes. The labouring man, no doubt, received higher wages, but he lived in hovels which were positively crumbling to the ground. In wealthy districts of Limerick, Tipperary, and Clare, after the rains of last year, the walls of the labourers' cottages were almost reduced to their original mud. As long as farmers were allowed to draw their labourers from the towns they would never consent to put up cottages. He was lately talking with a farmer of his own district, who had two cottages vacant, and the farmer said—"If I opened my cottages to labourers I should soon have my rates doubled, whereas, by drawing labourers from the towns the rates will be never increased." The Government had done a great deal for many persons in Ireland, but they had done nothing for the labouring class. His hon. Friend who had last spoken (Mr. Kavanagh) laid much stress upon the great value of land near towns. But whether a man drew £1,000 a-year from comparatively few acres near a town or from many thousand acres in the country made no difference, because it was the value, not the extent, of the land that he paid upon in each case. It had been urged that union rating would prevent the attendance of the Poor Law guardians at the boards, but his experience led him to believe that they would have the same class of guardians and a better attendance than at present. The Government last year held out a hope that they would take the question up this Session, and Irish Members knew that no Irish question had the slightest chance of passing that House unless it was taken up by Government. The question was of great interest to the agricultural population, and Government would justly incur a very considerable amount of anger from the people of Ireland if they neglected a question on which the condition of the labouring population so greatly depended. He could not but regret that a question in which the agricultural and labouring classes in Ireland were so deeply interested should have been left to be dealt with by a private Member.

MR. M'CARTHY DOWNING, in supporting the Bill, complained that no hon. Member of Her Majesty's Government thought it worth while to be present when a measure so important to Ireland was being discussed. His hon. Friend who had just spoken and himself were, in fact, heard by empty benches, for he believed there were but two or three English representatives, and not one Scotch Member present. He inferred from that fact that Irishmen must look elsewhere than to an English Parliament for that attention to the business of Ireland which the country required. The Bill was not a question between town and country; it was a matter of justice. It was not a question whether the unions of Ireland would be relieved of a few pence or a few shillings; but the question for the House was, whether it was just that certain unions in Ireland should have to pay so much as 5*s*. and 6*s*. in the pound, while electoral divisions coming closer to the towns, and separated from them by some mere imaginary boundary line should pay something like 10*d*. or 11*d*. With a view to ascertain how far union rating had worked beneficially in England, questions had been addressed to Mr. Gulsam, one of the most experienced Poor Law Inspectors in this country, who said that in England the effect of the Union Chargeability Act had been to decrease favouritism in the granting of allowances; that he knew of no instances of extravagance under the Act; and that the attendance of guardians had become more frequent. Now, in Ireland there was an equal number of *ex-officio* and of elected guardians and the elected guardians were elected by the *ex-officio* guardians. There were not more than a fourth of the elected guardians who were independent men. The House was told, as one of the reasons for opposing this measure, that the majority of the boards of guardians of Ireland had passed resolutions against union rating. Why, what else could they do, seeing *ex-officio* guardians almost to a man were opposed to it? The operation of the law of union rating in England had been to reduce the rates, while in Ireland the system of electoral divisions had been to raise them. He could not see how any hon. Member who read the evidence taken before the Select Committee could refrain from supporting the Bill. As an instance of how unjustly the present system operated in some instances, he mentioned that the Union of Skibbereen was valued at £45,408. There were 23 electoral divisions in it, and one of them—the electoral division of Skibbereen itself—was valued at a fifth of the amount at which the other 22 were valued, but it actually paid nearly as much as the other 22 put together. Could that state of things be tolerated? There were 83 paupers charged to the one electoral division of Skibbereen more than the number charged to the other 22 electoral divisions. The cost of maintaining the paupers in the whole 23 divisions was £1,829, but of that sum Skibbereen paid £974, leaving only £855 to be paid by the other divisions. It might be said that Skibbereen might have an unusually large proportion of poor, but that was not so, for of 99 paupers charged to the Skibbereen division, 32 were strangers who had been evicted from the neighbouring electoral divisions. There were several other unions in Ireland, the condition of which was exactly similar, while in some of them it was a great deal worse than in Skibbereen. In the Ennis Union, for instance, the valuation of the whole union was £72,744, and the valuation of the electoral division was £11,615. There were 434 paupers in the workhouse of the whole union, 105 being charged to the union at large, and 329 to the electoral divisions. Of the 329, the number charged to the Ennis division was 201, leaving only 128 to the other 19 divisions, which had a valuation of £61,000. If hon. Members referred to the witnesses who had been examined at the inquiry that was instituted they would find that all the men who bore testimony to the value of union rating were men in whom the greatest confidence might be placed, while all who opposed it still admitted the existence of an injustice and the necessity of a remedy. The argument had been used that a larger rent was obtained for land near a town. But a larger rate was put upon the land, and the owner paid a rate according to its value. He thought he had proved his case that a cruel injustice was inflicted by the present state of the law; that Ireland was entitled to have extended to her the law by which the people of England were governed in regard to these matters; and that in every view of the case the House was called upon alike by wisdom, justice, and humanity to accept the Bill.

Mr. BRUEN said, that the hon. Gentleman who had just sat down was not quite accurate in the figures he had quoted in reference to Skibbereen.

Mr. M'CARTHY DOWNING said, the figures he had quoted were from the Returns of 1868, which were given in evidence before the Committee.

Mr. BRUEN: It had been stated in the evidence before the Committee that the number of paupers in the Skibbereen Union charged to that electoral division was 360 or 370, and the cost of maintaining them was said to be £900. He was happy to state that the latest Return showed a much better state of things—the number of indoor and outdoor paupers being only 273 and the cost of maintaining them £673. It was clear, therefore, that the condition of things in Skibbereen had been gradually bettering itself. The latest Returns throughout the whole of Ireland manifested a gradual amelioration in the extent of pauperism. It was said that the elected guardians were elected by the landlords, but the cumulative vote gave advantages to the tenant as well as the landlord. Motives of self-interest had been freely imputed to the landlord class in this matter, but he believed the landlords, like himself, regarded this subject simply with reference to the interests of the poor of Ireland. A proper system of Poor Law relief could not be carried out if the management in large districts were thrown into a sort of hotch-potch. In the whole of Ireland out of the 162 unions the total number of boards of guardians who had adopted resolutions against union rating was 120. The number of boards of guardians who adopted resolutions in favour of union rating was 16. These boards consisted of both owners and occupiers of the land, thus showing that the opinion of the educated classes was entirely against this question. They had always insisted upon maintaining the individuality of interests in particular districts, which could not be observed if larger divisions were made. The general tendency of the present time was to induce labourers to remain in the country instead of attracting them to the towns. He entreated the House not to jump to the conclusion that this proposed change in the Irish law which had not perhaps worked unsatisfactorily in England, would work equally well in Ireland, in which country circumstances in reference to this matter were entirely different. In conclusion he gave notice that if the second reading of the Bill were carried he would, on its going into Committee, move a Resolution to the effect that the subject ought to be dealt with in a comprehensive and not in a partial manner.

Mr. REDMOND believed that the measure could not be in better hands, but from some small experience in the House he felt how difficult it was for a private Member to pass a measure—and particularly an Irish one—even when it had the approval and the support of the Government of the day. He wished that this Bill had been introduced by the Government, and did not think they were excused for not taking it up by the fact that the larger subject of local taxation in Ireland must soon be dealt with. The great tax in Ireland was the county cess, which was expended in an exceedingly unsatisfactory manner, and without the exercise of any control on their part. He considered the question of union rating quite ripe for legislation, and believed that the opinion of the people of Ireland was almost unanimous in its favour. The change proposed by the Bill was now urgently needed to remedy the injustice which was now being done, and it would be wise to anticipate exceptional periods when, under the present system, the burden of increasing pauperism would become intolerable to the towns. It had been shown that any increase of pauperism which had occurred in England was not due to union rating. The pauperism of Ireland had been largely caused by those evictions by which the landowners got rid of their responsibilities and of their people at the same time, but the day had gone by for large evictions. This measure had been shown to be necessary; it had been adopted from necessity in England, and he hoped the House would not refuse to pass it because it was in private hands.

MR. SYNAN said, he thought the hon. Member for Carlow (Mr. Bruen) had put the question on the right ground, for this question ought not to be discussed in relation to town or county, but in relation to the poor of Ireland, and then all the arguments against the second reading of this Bill would disappear. What was the ground of the opposition to the proposed arrangement? It was that the administrators of the law would not do their duty. Such an argument ought not to be allowed to defeat a measure of this kind. It was generally admitted by the opponents of the Bill that a grievance existed, for which some remedy was necessary. A rate in aid would be limited to the relief of only 72 electoral divisions, but the question arose who was to fix it, and whether it was to be spread from union to union, or from electoral division to electoral division. He had come to the conclusion, though unwillingly, that the only way of meeting the objection, and the only solution of the question was a union rating. There had, undoubtedly, been a vice in the formation of the Committee which sat on this subject, as, indeed, of all the Committees of that House. The Committee had been formed not for the purpose of solving a difficult question, or to ascertain independent opinion, but to decide the question by votes, and to have a Resolution come to by the casting vote of the Chairman. After such a Report it might have been expected that the Government would take up the subject; but considering its difficulty and the variety of opinions entertained upon it by Irish Members, it was not perhaps surprising that the noble Lord the Chief Secretary, with all his vigour and boldness on Irish questions, had shrunk from the task. The House then must decide it for themselves. Every step taken for the amendment of the Irish Poor Law had shown that the introduction of the electoral division system was wrong, and the remedies applied had not met the evil. In the absence of any better remedy, he should support the second reading of the Bill.

THE MARQUESS OF HARTINGTON said, that having had the honour to be Chairman of the Committee which inquired into this subject, and having given considerable attention to it, he felt the House would probably expect that he should say a few words before they came to a decision. Even if he had not been Chairman of the Committee, he could hardly have refrained from answering some things which had been stated in the course of this discussion. He had the honour to be the representative of the Local Government (Ireland) Board—formerly the Poor Law Commission—and he must frankly avow that he had been considerably influenced in the decision he had come to on this subject by the very strong opinion arrived at not only by Mr. Power, the Vice President of the Local Government Board, but, as he had informed him, by every Local Government Inspector and every official of that Board. That, in his opinion, was a very strong argument in favour of this Bill. Those gentlemen who had no personal interest, no feeling, on the subject, except that of the good administration of the law, had unanimously arrived at the conclusion in favour of union rating. No men had had better opportunities of forming an opinion and no men had formed a more decided one. For boldly and honestly expressing this they had been unfairly attacked by the hon. Member for Carlow who first spoke (Mr. Kavanagh), who had unintentionally misrepresented some of Mr. Power's evidence. The hon. Gentleman had imputed to Mr. Power a statement that because the large majority of the guardians were interested in the maintenance of the present system, no weight was to be attached to their evidence. What Mr. Power really said, and in which he himself entirely concurred, was that too much weight must not be attached to the resolutions of an immense majority of the guardians of unions in favour of electoral division rating. Now, 2,400 of the electoral divisions would be losers by the proposed change, while only 900 would gain by it, so that without imputing any improper personal motive, it was natural that the guardians representing the former should vote against the change. The hon. Gentleman had quoted part of the evidence of the only other official witness, Mr. O'Brien, the Poor Law Inspector, so as to leave the impression that he advocated the change as a means of enabling people to put their hands into others' pockets. Now, Mr. O'Brien said the very reverse of that, and it was most unfair to have thus misrepresented him. The fact was that he objected to the present system because guardians, instead of doing their duty as a board, allowed cases affecting one division only to be decided by the representatives of that division, owing to a latent feeling that it was not right to put their hands into other people's pockets; and he advocated a change which would supersede such considerations, by making the whole board put their hands into their own pockets. Like the hon. Gentleman who last spoke, he had arrived at a conclusion with some hesitation. He concurred in the principle that the area of taxation and of administration should be identical; and very peculiar circumstances, which did not exist in this case, would be necessary to set aside that principle. Were the guardians of each electoral division invested by law with the responsibility of the relief of the poor within it, much might be said for retaining small areas of taxation, but the law had vested that responsibility in the guardians for the whole union, and they ought not to relieve the union at large by charging all, or the greater part of the cost, on one division. It was admitted on all hands that the system placed undue pressure upon certain urban divisions, it being sometimes treble or quadruple that of the neighbouring rural division. All the Members of the Committee admitted that this grievance ought to be redressed, some of them suggesting a rate in aid, but it would be impossible either to lay down any fixed limit of rating at which a rate in aid should operate, or to provide for a variable limit, differing in different unions. As to evictions, no attempt was made to show any extensive evictions as having occurred from this or any other cause of late years, but the present system unquestionably tended to encourage the destruction of labourers' houses, and to discourage their erection. Probably, a large majority of landlords would do what was best for their labourers, irrespective of their own advantage; but the law ought not to make it advantageous for a landlord to do what was injurious to his neighbouring towns, but under the present circumstances it was far more advantageous to the farmers that the labourers should not live in the rural districts, but in the neighbouring towns, so that in the event of their becoming chargeable to the poor rate the rural electoral district should escape the charge, which would be thrown on the towns. It had not been proved, though the attempt was made, that the law as it now stood had any such effect in the way of inducing a landlord to give the poor in his locality employment in order to keep them off the rates; and although he could not but respect that form of charity, he should still consider that legislation aiming avowedly at that object would be unsound in principle and objectionable in practice. Some Members of the Committee were shocked, indeed, at his assertion that employment given for the purpose of lessening the rates was given on an unsound and demoralizing principle, but he still maintained that it was not the business of the law to make it the landlord's interest to give employment as charity, this not being good for the landlord, for the country, or for the labourer. What the law ought to do was to give every encouragement to—or at least not to put any impediment in the way of—the labourer going where he was most wanted and taking his labour where it could be most profitably employed. The reduction of rates could only be effected by a vigilant supervision of the whole system, and not by merely removing the pauper from one electoral district to another. Another argument used against union rating was that it would promote inattention to their business on the part of the guardians. Now, a Return presented to the Committee showed that it would not be very easy to make any alteration for the worse in that respect in the present state of things, for the attendance of guardians, and especially of *ex-officio* guardians, as indicated by that Return, was extremely unsatisfactory. The system of union rating in England, which had now been in operation for some time, had not produced the results which some apprehended from it. No doubt the expenditure in this country had increased, but the cost of everything that was necessary for the maintenance of the pauper had increased in the last few years, and it was not fair to put down that increase to the introduction of union rating. As to the Government not having taken up that subject themselves, he had stated the reasons why, while cordially supporting both the Report of the Committee and the present Bill, they had refrained from doing so. He admitted that he had formed the opinion that this branch of the subject would most conveniently be dealt with in connection with the whole question; but, at the same time, there was no present probability of extensive legislation upon it. He could not admit that a reform of the Grand Jury Laws had anything in common with that measure. The present question was simply one of taxation, but the Grand Jury Laws also involved questions of local government and administration. It was not, however, without considerable regret that he had come to the conclusion that it was not the duty of the Government itself to deal with the matter this Session; but he had no hesitation in saying that they gave their best wishes and support to the hon. Member who had charge of the Bill.

Colonel WILSON PATTEN said, his own tenure of office had been so brief that he never had an opportunity of going thoroughly into that question; but he much regretted that his noble Friend who had just sat down had not taken it up on the part of the Government. If the noble Lord had done that, and had brought to bear on the subject the responsibility of Government, the hesitation he felt on the matter would have been materially diminished. With himself, it would have been a great object to make the legislation of Ireland as similar as possible to that of England. But what was the way in which legislation of that kind had been dealt with in England? In the early part of the last 40 years he recollected the English Poor Law being debated there year by year. First, the measure was brought forward by one independent Member and then by another. Many in that House approved of the proposed alterations; but they were always rejected until the Government took them up on its own responsibility; and not till 1865 did the House consent to an alteration of the English Poor Law, as it at present exists, when it was proposed under that responsibility; therefore, he could not but feel some difficulty in supporting a proposal like that contained in this Bill, seeing that it was in the hand of a private Member. It was not too much to exact from the Irish Government what they had exacted from the English Government under similar circumstances. The noble Lord opposite must, therefore, excuse him if he hesitated to support a measure which the Government, after taking so large a part in the preliminary stages—the noble Lord himself having acted as Chairman of the Committee—still declined to bring forward themselves. Affixed to the Report of the Committee was a Return showing the number of electoral divisions in each union in Ireland which would gain by the adoption of union rating and the number which would lose by it. From that Return, he found that in the province of Ulster 281 electoral divisions would gain and 875 would lose by the change. In Munster 216 would gain and 1,023 would lose; in Leinster 260 would gain and 940 would lose; and in Connaught 162 would gain and 595 would lose. Taking a summary of all the four provinces, the total number of electoral divisions that would gain by the change was 919, and those that would lose 3,433. That he knew was looking at the matter from a money point of view; but it afforded a strong reason why the Government had not taken up the subject, because it was clear that, under such circumstances, the feeling in Ireland must preponderate very much against union rating. Judging from the evidence which was before them, and which was all there was to guide them, he could only infer that a majority of Poor Law guardians and of their chairmen were in favour of electoral divisions rather than union divisions, and that without any reference to political feeling, for the evidence in favour of electoral divisions came as much from one party as from the other. Looking to the preponderance of the evidence in favour of electoral divisions, he thought they were justified in hesitating to give their assent to a Bill of this kind until the Government would undertake the charge of it on their own responsibility. The Opposition had a right to claim that Her Majesty's Government should on this subject adopt the course which was adopted with reference to England, and on their own responsibility propose the measure they thought best calculated to advance the interests of Ireland. He expressed his opinion only as an independent Member. If the measure were brought forward by the Irish Government, he might have had some hesitation in giving the vote he was about to give; but, under the circumstances, he felt justified in opposing the further progress of this Bill until Her Majesty's Government took the responsibility of it.

MR. DELAHUNTY agreed in the observation that had been made in favour of the assimilation of the laws of England and Ireland. The industry of Ireland was not fairly represented in this House. There was no sympathy for the poor, and he was unable to discover on what ground the poor of Ireland were not supported in the same spirit as the poor of England. While the hon. Member for Cork was speaking, there were present nine English and Scotch Members, and eight Irish Members. The population of Ireland had been on the decline ever since the Union, and the land of Ireland did not pay for the poor as much per acre as the land of England, and this was owing to the Dublin Castle legislation being adverse to the true interests of the country. Proportionately, the Irish landlords ought to pay £2,400,000 for the support of the poor, whereas, in fact, they paid only £580,000; but while the landholders paid comparatively nothing to the poor rates, the struggling shopkeepers, merchants, and sailors contributed largely towards them, and the effect of this was to stamp down the poor. If there had been equality of laws, the landlords and agricultural interest of Ireland would not have escaped legislation. The tenants of Ireland, as a rule, paid no income tax, because only farms of £300 per annum were assessed; whereas every struggling tradesman had to pay the tax. The miserable Irish Government that we had dare not take up this subject, because it was afraid of the landed interest.

MR. RODEN said, he was the only Englishman who had ventured, in the course of this debate, to speak for Ireland. The question appeared to him to be an Imperial one, and one of far more importance than it was generally regarded. It was a question beyond union rating. He knew a case where a landlord had refused to permit the erection of cottages lest an increase in the poor rates should arise, while from the next parish he received large emoluments. He wished to see the same law exist in England, Scotland, and Ireland. Union rating existed in England, and with great advantage. Why should not Ireland be similarly treated? The only practical way of dealing with the Home Rule question was to make the laws of Ireland similar to those of England. He supported the Bill.

LORD CLAUD HAMILTON said, he rejoiced that the question was one free from religious differences, and he hoped the House would look at it with the desire of doing that which was best for the Irish poor. No case had been as yet made out to change the law, which had hitherto worked so beneficially in Ireland. During the famine in Ireland the wants of the Irish people were relieved according to their exigencies. The laws should be made to meet the requirements of the country. It was said that the people of Ireland wanted a change; but where was this proved? Numerous unions had petitioned against this Bill; and those in favour of it were in number only 19. The proposed change, he believed, would be most unpopular in Ireland, and he could not understand those who advocated Home Rule for Ireland showing such an anxiety for slavish imitation of English example in this matter. He strongly opposed the Bill.

MR. WHITWELL said, no attempt had been made to abolish the system of union rating which had been adopted in England, and if it worked well in England it ought to be extended to Ireland. He believed that this measure would facilitate the erection of improved dwellings for the poor in Ireland. He trusted that Parliament would not perpetuate in Ireland the exceptional and doubtful system of granting rates in aid. The more we assimilated the laws of England and those of Ireland, the less likely were we to expect complaints from the latter country.

Mr. M'MAHON said, the right hon. Gentleman the late Secretary for Ireland had denied that the people of that country were in favour of this Bill. Now, the fact was that in Leinster, Munster, and Connaught there was almost absolute unanimity in favour of it. He hoped that when the Bill went into Committee the Government would undertake the charge of it.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 77; Noes 61: Majority 16.

Main Question put, and *agreed to.*

Bill read a second time, and *committed* for *Wednesday* next.

CENTRAL ASIA—BOUNDARIES OF THE AFGHAN STATES.

MOTION FOR AN ADDRESS.

Mr. RYLANDS moved—

> "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Copies of the Memorandum on the frontier of the Badakshan and Wakhan provinces of Afghanistan drawn at the India Office from maps and information furnished by Sir Henry Rawlinson, together with the Despatch on the subject from the Government of India; and, of the sketch Map, showing the northern boundary of the Afghan territories, assented to by Government of India, and adopted by the Foreign Office."

The hon. Member said, that Lord Granville's despatch left the matter in a state of great ambiguity. It was upon the authority of Captain Wood and Captain Yule's book that he informed the House that the river Penjah flowed for 66 miles through the State of Wakhan, and that the ruby mines of Badakshan were on the right bank of that river, and therefore to the north of that tributary of the Oxus: and that, after leaving the ruby mines, to quote Colonel Yule's words—

> "The Panja (or Penjah), running northwards, quits the field of our actual knowledge for a space of something like 170 miles. We know that it traverses the valley States of Shignan and Roshan, acknowledging the supremacy of Badakshan."

Viscount ENFIELD said, he was afraid it would not be in his power to assent to the Motion of his hon. Friend. With regard to the Memorandum of Sir Henry Rawlinson, of December, 1871, that document was considered by the Foreign Office and the India Office to be in the nature of a confidential document, and therefore could not be produced. If his hon. Friend referred to the despatch of the Governor General of India of May, 1871, the greater portion of it would be found in the Papers before Parliament. With regard to the map there was a difficulty, because, although the India Office had maps in their possession, they were not of an official character. That part of the country was very little known, for it had not been explored, and he could not present it to Parliament with the degree of authority which ought to attach to a document submitted by two Government Departments. He should, therefore, resist the Motion.

Mr. EASTWICK expressed a hope that Lord Granville would insist upon the definition of boundary contained in the despatch of the 17th of October.

Sir CHARLES WINGFIELD was surprised at the refusal of the Government after the speech of Lord Granville in "another place."

Mr. RYLANDS said, he would not press the Motion against the feelings of the noble Lord; but he hoped, after the opinions expressed by two eminent Members, the noble Lord would further consider it, and give additional information on the subject. He should repeat the Question on Monday.

Motion, by leave, *withdrawn.*

METROPOLITAN TRAMWAYS PROVISIONAL ORDERS BILL.

On Motion of Mr. Arthur Peel, Bill for confirming certain Provisional Orders made by the Board of Trade under "The Tramways Act, 1870," for the construction of the London Street Tramways (Caledonian Road Extension), London Street Tramways (Extensions), London Street Tramways (Saint Pancras Lines), Metropolitan Street Tramways (Extensions), Pimlico, Peckham, and Greenwich Street Tramways (Extensions), South Western Suburban Tramways, and West London Tramways, *ordered* to be brought in by Mr. Arthur Peel and Mr. Chichester Fortescue.

Bill *presented,* and read the first time. [Bill 76.]

METROPOLITAN TRAMWAYS PROVISIONAL ORDERS (NO. 2) BILL.

On Motion of Mr. Arthur Peel, Bill for confirming certain Provisional Orders made by the Board of Trade under "The Tramways Act, 1870," for the construction of the Common Road Conveyance Tramway, Kew and Richmond Tramway, Southall, Ealing, and Shepherd's Bush Tramway, Tottenham and Edmonton Tramway, and Uxbridge and Southall and Ealing and

Brentford Tramway, *ordered* to be brought in by Mr. Arthur Peel and Mr. Chichester Fortescue.

Bill *presented*, and read the first time. [Bill 77.]

House adjourned at a quarter after Twelve o'clock.

HOUSE OF LORDS,

Friday, 21*st February*, 1873.

MINUTES.]—Public Bill—*First Reading*—Marriage with a Deceased Wife's Sister * (21).

FOREIGN DECORATIONS.

MOTION FOR AN ADDRESS.

Lord HOUGHTON rose to ask the Secretary of State for Foreign Affairs, If it is his intention to interfere with the acceptance of foreign decorations that may be awarded to any British subjects engaged or employed in the Vienna Exhibition of 1873, not being in Her Majesty's service? and to move an Address for certain Correspondence, and said: My Lords, I do not know that I should have considered the subject I have placed on the Paper of sufficient importance to be brought before your Lordships' House had I not accidentally been placed in a position which has forced upon my mind a strong conviction that under cover of the general principle that has been adopted in regard to these matters, much individual injustice has been committed. The point to which I wish to direct the attention of my noble Friend the Foreign Secretary is the position in which the rules of the Office over which he presides, as to the prevention of Her Majesty's subjects from receiving any foreign decoration or honour, may place foreign Sovereigns who, either through private friendship or from public reasons, may wish to confer such a distinction on any of our countrymen. But I am anxious, in the first place, very clearly to lay down what points in this matter I do not wish to interfere with. I shall feel obliged to my noble Friend to consider this point particularly, because no doubt what I am about to say might otherwise be misinterpreted. I have no intention to interfere with the conduct of Her Majesty's Government—or rather of Her Majesty herself—as to any decoration, honour, office, or promotion, or any matter of that kind, in connection with persons in Her Majesty's service. Over all such matters Her Majesty must maintain the most absolute authority; and unless in some very peculiar case, in which public opinion is directed against them, all necessary regulations are made and are acted upon without difficulty. I wish, therefore, distinctly to state that I do not wish to interfere with any rule that has been made or may hereafter be made with regard to such persons as may be holding commissions under Her Majesty in respect to their receiving or wearing the decorations of the Sovereign of any foreign country. Nor, on the other hand, would I seek to interfere with any regulation Her Majesty may choose to make with regard to her own Court. These must depend entirely on her own will. Such being the case, I wish to direct my noble Friend's attention to some facts which I will now state. In 1867, I had the gratification of being one of Her Majesty's Commissioners in connection with the International Exhibition at Paris. With others, I took an active part in the management of that Exhibition, and in the distribution of the prizes, and in the recommendation of such exhibitors who were thought fit to receive some honour or reward, and I know that among the persons on whom it was thought fit to bestow honour or reward in the shape of a medal were many British subjects. That form of honour was no doubt, most satisfactory to those who obtained it. But there were also a considerable number of persons engaged in that Exhibition to whom it would have been inappropriate to accord medals or any such recognition for the trouble they had taken or the merit they had shown in connection with the Exhibition. Many of the persons who assisted in the way I did myself were men distinguished in science, art, or literature; and there were also persons who, though not equally distinguished, had taken great trouble in the management of the Exhibition, and had been very useful to others. When the rewards were to be distributed, I was asked to draw out a list of persons who were to receive such form of approbation as it might please the Emperor of the French to confer on them. The same request was made of other gentlemen connected with the Exhibition as I was. But the other day I was surprised to find that while the services of the subjects of every other nation had been recognised in the only manner they could have been, some communication had taken place between the French Government and the head of our Foreign Office, who considered it impossible that any British subject could be allowed to receive such reward for his labour and services. I quite understand that a distinction might have been drawn as between myself and others, who, being Commissioners, were Her Majesty's representatives on the occasion, and persons who did not hold any sort of commission from the Crown. Indeed, I think it to be fully in accordance with the spirit of the Regulations on the subject that persons in the position we held should be held to be inhibited from receiving decorations. But there was some interference on the part of the Foreign Office which prevented the persons to whom I allude from being properly and justly rewarded. It did strike me as such a flagrant injustice that I now call attention to it. I do not wish it to be repeated. In the International Exhibition of 1855, under the presidency of Prince Napoleon, where the circumstances were entirely similar, no such inhibition was placed on British subjects —they stood in the same position as the subjects of other nations. Several Members of both Houses of Parliament were decorated at that time with the Legion of Honour; and I believe the same thing occurred with regard to all the Exhibitions that have taken place in Europe. There is now to be another of those occasions when great public interest will be excited, and when it is to be desired that England should make the best appearance possible. I think it would be a great discouragement to all English subjects who have anything to do with the preparations for the Vienna Exhibition if they heard that this special prohibition was to be in force against them, and that whatever the trouble and expense to which they might be put, and whatever the services they might render, they would be debarred by some unknown and mysterious regulation from accepting any recognition by Order or decoration which it might please the Emperor of Austria to wish to confer upon them. In 1855 Lord Elcho, Mr. Redgrave, Mr. Wheatstone, Mr. De la Rue, and other gentlemen received decorations, and several of them would have received additional decorations in 1867 but for the interference of the Foreign Office, and this, no doubt, was the cause of great discontent. Englishmen not in the service of Her Majesty are at liberty to do anything against which there is no positive command, and I am not aware that there is any Act of Parliament against their receiving foreign decorations; nor do I know of the right of inhibition in this matter having been exercised in any such formal way as to make Englishmen regard it as the duty of every loyal subject to submit himself to the rule laid down in 1867. There was a circumstance in connection with the action of the Foreign Office on that occasion which went to show how entirely it was optional. One would have supposed that if such a rule ought to apply to any portion of Her Majesty's subjects not holding commissions, it ought to apply to them all; but, as a matter of fact, subjects of Her Majesty from Canada and from all other British Colonies received decorations in 1867, and were thus allowed to stand on the same footing with people of all other nations. It is a great object in International Exhibitions that no distinction should be drawn between the subjects of one nation and the subjects of another; and I believe it will produce a feeling of great discomfort if my noble Friend at the head of the Foreign Office should say that he will consider it his duty to prevent any English subject from accepting a decoration of the kind to which I refer at the forthcoming Vienna Exhibition. My noble Friend will see that this matter, though apparently frivolous, touches the feelings of many of Her Majesty's subjects. My noble Friend will remember that Lord Macaulay received the Order of Merit from the King of Prussia; and I think it would not be grateful to the feelings of an Englishman distinguished in literature or art to hear that, in consequence of some mysterious regulation, he would not be allowed to accept such an Order if offered to him by the Monarch of the German Empire. I beg to ask my noble Friend, Whether it is his intention to interfere with the acceptance of foreign decorations that may be awarded to any British subjects engaged or employed in the

Vienna Exhibition of 1873, not being in Her Majesty's service? Further, I beg to move for a copy of the Correspondence that passed between the French Government and our Foreign Office in 1867 on the subject of Foreign Decorations.

Moved that an humble Address be presented to Her Majesty for, Return of any correspondence that may have passed between the Foreign Office and the Government of France with regard to decorations that might be offered for British subjects engaged or employed in the International Exhibition of Paris.—(*The Lord Houghton.*)

EARL GRANVILLE: Before I reply to my noble Friend, I beg to repeat an observation which I made to him when he told me he had put his Notice on the Paper. I told him then that I thought he had couched his Question in a somewhat invidious form, because it represents me as having needlessly and officiously interfered with the grant of honours due to certain persons in this country. My Lords, I can assure my noble Friend that that is not the case. With regard to the particular instance to which my noble Friend has more particularly referred, I only took the course which it has been my duty to adopt on previous occasions. I was myself connected with the International Exhibition held in 1867, alluded to by the noble Lord, and the French Government asked me whether Her Majesty's Government had any objection to the acceptance by certain British subjects connected with the Exhibition of the Légion d'Honneur. It was my duty to answer, that in accordance with the Regulations in existence, no such permission could be given. To individuals who asked me the same question I had, as a matter of course, to give the same reply. The noble Lord speaks as if this Regulation dated only since 1855. I believe it has been held for centuries that orders from foreign Sovereigns could not be held by English subjects without the consent of their own Sovereign. My noble Friend's historical knowledge must have put him in possession of the saying of Queen Elizabeth—that she did not like her dogs to wear any collar but her own. The same sentiment was repeated in a more bucolic manner by George III. when he said he liked his sheep to be marked with his own mark. I do not say, my Lords, that there was not something coarse in this somewhat despotic observation; but it contains the germ of good sense, and a right appreciation of the national feeling that for Englishmen, at all events, the Sovereign should be the only fountain of honour. My Lords, with regard to the instances referred to by my noble Friend as those in which he says that no objection was made to the reception of foreign decorations by Englishmen, I do not know anything about them. Lord Elcho may have the Legion of Honour, but certainly I never saw Lord Elcho with a decoration on his breast. In the reign of Queen Elizabeth two exceptions were permitted. Her Majesty allowed the Duke of Norfolk and the Earl of Leicester to accept decorations from the King of France; but when another gentleman ventured to act on these two exceptions and take the Order, Queen Elizabeth's proceedings were very summary—the offender was committed to close imprisonment in the Fleet, and was forced to return the Order. No further steps were taken in respect of foreign Orders till George III.'s time, when the inconvenience became so manifest that in 1812—and not in 1855, as my noble Friend seems to suppose—the Regulation to which my noble Friend has alluded was drawn up on the recommendation of Lord Castlereagh. According to the terms of this Regulation no subject of Her Majesty is allowed to accept any Order of a foreign State unless the same is conferred in consequence of active and distinguished service against an enemy, either at sea or in the field, or unless he is actually employed in the service of the Sovereign who confers the distinction. There is one exception to the rule so laid down, and it is only fair that I should mention it. When the Sovereign of this country sends a person to a foreign Sovereign with an Order, it has been the custom to allow that person to receive an Order from the Sovereign to whom he is sent. It appears to me that this exception does not stand on such clear ground as do the cases of the persons mentioned in the Regulation; but there is, at all events, this great distinction between it and the case of individuals generally—that the person who is sent out to another Sovereign with an Order is in some degree selected for the receipt of a decoration by his own Sovereign, because she knows when she sends him on his mission that he is sure to be offered the decoration. I must say that I think the noble Lord weakened his case when he said he did not wish in any way to include persons in the service of the Queen. Without wishing to detract from the merits of other persons, there is an instinctive feeling that such honours are more suitable to men who have risked their lives with the soldiers or sailors of another country against a common enemy than they are to persons engaged in peaceful pursuits; but I think also that persons in the Civil Service would have great reason to complain if they alone, of all the community, were to be debarred from receiving such honours. I had the honour to be sent to Moscow to the coronation of the Emperor of Russia at a time when I had not yet had the honour to be enrolled in that distinguished and historic Order of which since then, though most unworthy, I have been made a member. Well, my Lords, at that time, not from any merit of my own, but owing to circumstances, I had had the offer of several foreign Orders which, as a matter of course, I had refused; and my noble Friend now beside me (the Earl of Kimberley), who was then our Minister at the Court of Russia, and myself, and our Secretaries, appeared at the coronation of the Emperor, without a single decoration, while the breast of every person around us was covered with decorations. I remember, my Lords, that on that occasion several members of the diplomatic circle reminded me of what Prince Metternich said at the Congress of Vienna, when it was pointed out to him that Lord Castlereagh was the only representative at the Congress who bore no decoration, and added that although they wore foreign Orders themselves, they had seen at particular times, and with particular objects, Orders given in such a manner as made them of opinion that our rule was the best. The remark of Prince Metternich was—"*Ma foi, c'est bien distingué.*" I think, my Lords, the Regulation on this subject is sound and good; and when the noble Lord says that he wishes exceptions to be made to the rule, my reply is that it is impossible to make exceptions at all without breaking down the whole thing. The noble Lord seems to think that before 1867 there was no difficulty in the way of any one wearing any decoration that might have been offered to and received by him, and he has referred to the case of Lord Macaulay and the Order of Merit. When that Order was offered to Lord Macaulay my noble Friend (Lord Malmesbury) filled the office of Foreign Secretary; and what was his reply when asked for a permission? He said that, with the greatest respect for Lord Macaulay, the rule against English subjects being permitted to accept foreign decorations was one to which no exception could be made, however distinguished the person to whom the Order was offered. I am sure my noble Friend will not accuse me of wishing to undervalue the Vienna Exhibition; but how could an exception be made in respect of this particular Exhibition? I should have thought that this would have appeared clear to one with the literary merits and cosmopolitan experience of my noble Friend. I may refer to a case that occurred during the last war. The Legion of Honour was offered to Colonel Loyd Lindsay, who already bore the Victoria Cross on his breast, who was in every way worthy of the honour the French Government offered to confer upon him, and in whose case an exception to our general rule would, I venture to think, have been equally agreeable to Germany as to France. But I should have been obliged to make the same answer in his case as I have in all others, if from other reasons he had not been entitled to wear it. I wish to point out some of the difficulties which would probably have arisen from a compliance with the application for permission in Colonel Loyd Lindsay's case. He had distinguished himself in bringing aid to the wounded; but at the same time he was doing that, there were others engaged in it. In France, there were subjects of Her Majesty engaged in it who might have been influenced by political and religious feelings. Some of them belonged to the Home Rule party. If permission to wear a foreign decoration were given to these persons, the exception would have been made in favour of men who to some extent deny the supremacy of the Sovereign; but if the distinction was offered to them on the ground of their being engaged in a humane work, your Lordships will see what a difficulty would have arisen in their case. With regard to the rule itself, I think it is a good and wise one to maintain. I have no doubt that if this rule were abrogated there would be a small percentage of Englishmen intriguing at the great and small Courts for the purpose of bringing home on their breasts decorations, in some instances of considerable consequence, but in other instances signifying not the value of one brass farthing in the mind of anyone knowing anything of those matters. I have no desire to interfere to prevent honour being bestowed on any man who is worthy of it; but I think it is impossible your Lordships can fail to see the necessity for a stringent rule on the subject of foreign decorations. I should like to add that at the time of the International Exhibition of 1862, this subject was discussed at a meeting of Members of both sides of this and the other House of Parliament, and of the representatives from the chief manufacturing and commercial centres. A proposal that permission ought to be given to Englishmen to receive foreign decorations was introduced at that meeting by a friend of mine, but it received no support, and his motion was either withdrawn or rejected. I think that fact shows that, whatever may be said of individual cases, there is a general feeling in favour of such a Regulation as that to which my noble Friend raises an objection.

EARL STANHOPE said, that during the short time that he held the office of Secretary of State for Foreign Affairs, he had occasion to consider this question fully. He then came to the same conclusion as the noble Earl the present Foreign Secretary—that it was of paramount importance to uphold the principle that the Sovereign was the sole fountain of honour; and therefore he was quite prepared to express his opinion in favour of the Regulation in favour of which his noble Friend had spoken so strongly. Great inconveniences would follow if that Regulation were to be repealed; and to make occasional exceptions at the choice of the Secretary of State would be of invidious tendency. At the same time, he regretted that there was no Order emanating from the Crown of England which was applicable to persons who, like those that had been referred to, had spent much time and shown much zeal at foreign Exhibitions, and other useful objects. He thought the Sovereign had not sufficient means of conferring honour on persons who distinguished themselves otherwise than by military services. The Order of the Bath, as at present constituted, did not enable Her Majesty to do it; and he regretted that an Order of Merit, or some such Order, was not instituted in this country. He hoped that some day it would be.

EARL GREY also wished to express the satisfaction with which he had listened to the speech of his noble Friend the Secretary for Foreign Affairs. He was satisfied that the rule in existence on this subject was a wholesome one, and that its abrogation would at no distant date lead to serious abuses. He admitted with his noble Friend who had just sat down that there was a good deal to be said in favour of an Order of Merit; but, on the other hand, there were objections to it.

LORD HOUGHTON, after a few words of explanation, said, he would withdraw his Motion for an Address.

Motion (by leave of the House) *withdrawn.*

HORSES—OUR SUPPLY OF HORSES.

MOTION FOR A SELECT COMMITTEE.

Moved, That a Select Committee be appointed to inquire into the condition of this country with regard to horses, and its capabilities of supplying any present or future demand for them.—(*The Lord Rosebery.*)

Motion *agreed to.*

And, on Monday, February 24, the Lords following were named of the Committee:

D. Cambridge.
Ld. Privy Seal.
D. Richmond.
M. Lansdowne.
M. Ailesbury.
E. Portsmouth.
E. Malmesbury.
E. Lucan.
E. Grey.
V. Falmouth.
Ld. Steward.
L. Tyrone.
L. Redesdale.
L. Rosebery.
L. Kesteven.
L. Blachford.

And, on Tuesday, February 25, His Royal Highness the Prince of Wales *added.*

And, on Thursday, February 27, The Lord Strathnairn *added*, in the place of The Earl of Lucan.

House adjourned at Six o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 21st February, 1873.

MINUTES.]—New Writ Issued—*For* Mid Cheshire, *v.* George Cornwall Legh, esquire, Chiltern Hundreds.

Select Committee—Coal, *appointed.*

Public Bills—*Committee*—*Report*—Drainage and Improvement of Lands (Ireland) Provisional Orders * [63].

Considered as amended—Polling Districts (Ireland) * [1]; Local Government Provisional Orders * [2].

PRIVATE BILLS—RAILWAY AND CANAL COMPANIES AMALGAMATION.

RESOLUTION.

Mr. CHICHESTER FORTESCUE rose to move—

> "That all Bills of the present Session which include among their main provisions any of the following objects:—(1.) The transfer to any Railway or Canal Company of the undertaking or part of the undertaking of any other such Company; or (2.) The transfer to any Railway or Canal Company of any Harbour; or (3.) The amalgamation of the undertaking or any part of the undertaking of any Railway or Canal Company with the undertaking of any other such Company, shall be referred to a Joint Committee of Lords and Commons."

He desired to explain that he moved this Resolution, not merely on behalf of the Government, but also as having been Chairman of the Joint Committee of last Session on Railway Amalgamation. That Committee were not able to lay down any general rules or principles on the subject such as would relieve the House from the necessity of inquiring into each separate case. They therefore thought it desirable that Parliament should, at all events, take the most efficient means in their power to secure a complete consideration of every proposal for amalgamation which might be made, and with that view they unanimously recommended the Resolution which he now moved. In their Report the Committee advised that each amalgamation scheme should be dealt with in reference to its bearing on other similar schemes and on the general railway system. They desired also that unity and consistency in the action of Parliament should be obtained, and, in order that the information gained in one year should not be lost in the next, that the Committee should be, as far as practicable, permanent. The Committee he now moved for referred, however, only to the present Session. This proposal did not prejudge the general question of the advisability of referring all Private Bills to Joint Committees, although the opinion of high authorities had been reported to Parliament from time to time in favour of that plan. Mr. Milner Gibson's Committee of 1863 reported in favour of a single hearing for each Bill, and the Committee of 1869 upon the Business of the House distinctly recommended Joint Committees of both Houses for all Private Bills. Amongst the witnesses who gave evidence upon this point were Sir Erskine May, Lord Grey, Mr. Bidder, Colonel Wilson Patten, and several others. The object of the former plan was mainly economy, and Sir Erskine May stated that if it had been adopted for some years past, the public and promoters of Bills would have saved millions of money. But while the plan of 1863 was mainly advocated on the ground of economy, his present proposal was designed to secure efficient inquiry—conducted by a powerful Committee, composed of the most capable Members for the purpose of both Houses of Parliament—and likewise as much continuity and consistency of action as the circumstances allowed. Whatever might be decided hereafter as to the general principle, it was desirable to avoid conflicting decisions and to consider amalgamation schemes as a whole; and in nearly cognate cases, such as the metropolitan railway scheme of a few years ago, Joint Committees had proved advantageous. The Peers who were Members of the Committee having unanimously recommended the plan, there was no reason to apprehend any obstacle from a majority in the other House to the adoption of this course. The right hon. Gentleman then moved the Resolution.

Mr. GREGORY remarked that, as the Resolution was moved on the recommendation of the Joint Committee, he could not offer his individual opinion against it; otherwise he should have objected to such large interests being referred to one tribunal without appeal. At all events, it was very desirable that the functions of the Committee, and the nature of its inquiry, should be more fully defined, and their attention directed to the points for their consideration. For instance, the question of tolls materially affected not only the trading community, which in some cases looked after their own interests, but the public in general, yet no instructions were apparently to be given to the Joint Committee as to the questions which they were to consider. Having practised before Private Bill Committees for 25 years, he had had some experience in this matter. Some years ago he was concerned in a Lancashire amalgamation scheme, where the rates were of vital importance to the colliery traffic, making it necessary to go into elaborate calculations to guard the interests of that traffic, and there the trade being united and vigilant could look after their interests; but take another case in which he was also engaged, the amalgamation scheme of the Brighton, South Eastern, and Chatham Companies. The Bill went through this House unopposed, but attention being afterwards called to it, certain corporations at some risk, and individuals by means of small subscriptions, appeared before the Lords' Committee and induced them to insist on a considerable reduction of the tolls, the result being the withdrawal of the Bill. Now, under this Resolution there would be only one hearing, and it was often difficult for corporations to incur an expense which they could hardly recover from borough funds, and which individuals could not be expected to bear. There should be greater facilities for parties interested to come forward, and he would almost compel a Committee, in the absence of opposition, to obtain information from the Board of Trade, or other sources, so as to guard against the passage of objectionable schemes through compromises or the withdrawal of opposition. Unless an arrangement of that kind were adopted, he feared public interests would suffer severely by these amalgamations.

MR. PRICE said, he preferred the decision of a Joint Committee to the conflicting and accidental decisions of separate Committees, because railway companies would thus be enabled to ascertain the collective opinion of Parliament upon the question. He would ask whether the consideration of these schemes would be stayed pending the progress of the general Bill which the right hon. Gentleman had introduced.

MR. CHICHESTER FORTESCUE could not say at the moment what course the Committee might take, but he believed there would be no unnecessary delay in the consideration of the schemes.

Motion *agreed to.*

Resolved, That all Bills of the present Session which include among their main provisions any of the following objects—

(1.) The transfer to any Railway or Canal Company of the undertaking or part of the undertaking of any other such Company; or

(2.) The transfer to any Railway or Canal Company of any Harbour; or

(3.) The amalgamation of the undertaking or any part of the undertaking of any Railway or Canal Company with the undertaking of any other such Company,

shall be referred to a Joint Committee of Lords and Commons.

Resolution to be communicated to The Lords, and their concurrence desired thereto. — (*Mr. Chichester Fortescue.*)

CENTRAL ASIA—BOUNDARIES OF THE AFGHAN STATES.—QUESTION.

MR. SEYMOUR asked the Under Secretary of State for India, Whether the India Office contemplate publishing a correct map of Central Asia, to enable the public to appreciate the new line of the Afghan Frontier; and, whether the map published by Stanford is prepared from information furnished by any official of the India Office?

MR. GRANT DUFF: In reply to my hon. Friend's second Question, I have to say that I have no means of knowing from what information the map alluded to was prepared; but it is in no way sanctioned, directly or indirectly, by the India Office. In reply to my hon. Friend's first Question, I have to say that an improved map of Central Asia will be published in a very few days, not by the India Office, but by the War Office. As, however, some interest has been excited on this subject, and as the Indian authorities here and in India are primarily responsible for all that has been done, I will explain exactly how the case stands. No part of Badakshan is on the right bank of the Oxus; but, as to Wakhan, no geographer is able positively to answer the question whether some fraction of the at this moment inhabited portion of that district—which is, by the way, 9,000 feet high—is or is not on the right bank of the Oxus. The fact is that only one European is certainly known to have been there in modern times, and that European—the distinguished traveller Lieutenant Wood—

is unhappily dead. The line, however, laid down under the advice of Sir Henry Rawlinson, who is one of the very few people who has access to all the information which exists about these little known districts—information consisting chiefly of the data collected at various times by six Natives of India and communicated to the Indian Government—was laid down with the most full knowledge of the geographical uncertainties prevailing with respect to the Upper Valley of the Oxus—geographical uncertainties which have been curiously complicated by one of the most remarkable literary forgeries of modern times, as to which I would beg to refer any hon. Members who care to pursue the subject to the collected writings of the last Lord Strangford, and to an article on Marco Polo in a recent number of *The Edinburgh Review*. What we have done is this:—We have recognized Shere Ali's rights up to the Oxus and to the Northern Oxus—the Oxus flowing out of Wood's Lake. We have not recognized in him any right to territory beyond the Oxus, because even if it could be proved that he has a title to certain hut villages, if such hut villages exist, it would have been a very cruel kindness to him to have encouraged him to stand on them. The Oxus, from Wood's Lake down to Khojah Saleh presented a clear, definite boundary, the same being the boundary of the land inherited from Dost Mahomed by Shere Ali. All the northern side of the Oxus basin till you get to the Bokhariot territory belongs to a number of independent potentates—chiefs of Shagnan, Roshan, Darwaz, and what not, some smaller and some larger, of all of whom Europeans know absolutely nothing.

GALWAY ELECTION PROSECUTIONS EXPENSES.—QUESTION.

Colonel FRENCH asked the Chief Secretary for Ireland, If there will be any objection to place upon the Table of the House a Paper stating the cost of the prosecutions arising out of the late County Galway Election?

The Marquess of HARTINGTON, in reply, said, that the cost of the Galway Prosecutions had not yet been ascertained; but when it had been ascertained, there would be no objection to lay on the Table the Papers relating to it.

ARMY—YEOMANRY UNIFORMS.

QUESTION.

Viscount NEWPORT asked the Secretary of State for War, If it is intended to assimilate Yeomanry Uniforms; and, if so, when?

Sir HENRY STORKS, in reply, said, that there was no intention to assimilate the Yeomanry uniforms.

GALWAY ELECTION PROSECUTIONS—BISHOP DUGGAN, &c.—QUESTION.

Mr. MITCHELL HENRY asked Mr. Attorney General, What effect the acquittal of Bishop Duggan of the charges preferred against him in consequence of the Report of the Judge in the case of the Galway Election Petition has upon the Bishop's political status; and, whether the Bishop who has been tried, and the Bishops and priests who have not been tried, equally remain under what the Judge termed "seven years' penal servitude?"

The ATTORNEY GENERAL, in reply, said, he did not quite understand what the hon. Gentleman meant by the Bishop's "political status." Whatever it might mean, he apprehended that the acquittal of the Bishop from the charges which had been preferred against him had no effect upon it. What effect his conviction might have had was quite another matter; but certainly his acquittal had absolutely no effect. It remained exactly what it was before. With regard to the second branch of the Question, as to "whether the Bishop who has been tried, and the Bishops and priests who have not been tried, equally remain under what the Judge termed 'seven years' penal servitude,'" the answer was not quite so easy to give. From the authentic report of the learned Judge's Judgment, which was furnished to hon. Members of the House by order of the House, he found that what Mr. Justice Keogh stated on the subject was this. He did not find there the expression which the hon. Gentleman quoted, but he found these words—

> "I will guard the franchises of the people of this country for seven years at least, for the statute will not allow any one of those persons" (*i. e.*, those persons whose names he reported to the Speaker of the House of Commons) "to be again engaged in conducting or managing an election, or in canvassing for a candidate aspiring to be the representative of the county of Galway."

The law on that subject was certainly somewhat remarkable. It was contained in 31 & 32 *Vict.*, c. 125, s. 43, 44, and 45. The 43rd section, in substance, declared a candidate who had been found guilty of bribery to be incapable of voting, of holding any office, municipal or judicial, and incapable during the next seven years of sitting in Parliament. Then, any agent who had been found guilty of bribery was by the 45th section subjected to penalties very similar to those to which the candidate himself was liable; and the 44th section enacted that any candidate who personally engaged as canvasser or agent for the management of an election any person who within seven years previous to such election had been found guilty of any corrupt practice—which included undue influence—by any competent legal tribunal, or who had been reported guilty of any corrupt practice by a Committee of the House of Commons, or by the Judge of an Election Petition under that Act, should have his election at once declared void. That was the language of the Act of Parliament on the subject. But it had been said, with some amount of truth, it was hard that a person who had been reported to the House of Commons as guilty of corrupt practices, but who was afterwards tried and acquitted by a jury, should rest under the stigma that a candidate engaging him as an agent should by such engagement void his election. But it must be remembered as a matter of justice, as had been more than once pointed out, that the evidence given before an Election Judge, as formerly before Election Committees of that House, was entirely different from that which could alone be given on a criminal trial afterwards, before a Judge and jury.

WILD BIRDS PROTECTION ACT—PENALTIES.—QUESTION.

MR. WHEELHOUSE asked the Home Secretary, Whether his attention has been called to the penalties mentioned in sec. 2 of 35th and 36th Vict., c. 78 (Wild Birds Protection Act), wherein the first offence is to be visited by a reprimand and discharge on payment of "costs and summons," and for every subsequent offence the penalty is to be one, including costs of conviction, not exceeding 5*s.*; and, whether the effect of this enactment was not (even by statutory official fees) to make a person (except in the metropolitan district) liable for a sum of 6*s.* 6*d.* at least—and probably 9*s.*—for a first offence, while for a second or subsequent offence he could not be made to pay more than 5*s.* altogether; and, whether, seeing that the Act came into operation on the 15th of March next, the Home Secretary thought it necessary to provide a remedy for this anomaly previous to that date?

MR. BRUCE, in reply, said, that his attention had been called to this subject. No doubt, under the operation of the words as they stood in the Act, it would be in the power of a magistrate to inflict for a first offence a heavier penalty than for a second, although such was obviously not the intention of the Legislature. There had, no doubt, been a mistake in the printing, by which the words "payment of costs of summons" had been altered to "payment of costs and summons." The magistrates, however, had a discretion with respect to imposing costs, and he felt satisfied they would exercise that discretion so as to obviate the anomaly to which the hon. Gentleman referred. It was, he thought, hardly worth while to introduce an amending Act for the purpose of remedying so palpable a mistake.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

SOUTH AFRICA.—QUESTIONS.

OBSERVATIONS.

MR. R. N. FOWLER rose to call attention to the affairs of South Africa, and to ask the Under Secretary of State for the Colonies questions relating to Algoa [Delagoa] Bay, Basutoland, and the separation of the Eastern Province of the Cape of Good Hope. In the first place, he desired information with regard to Delagoa Bay. This was a Portuguese colony, and rumours had recently been circulated to the effect that it was about to be annexed to the German Empire. It was of considerable importance with regard to our South African possessions; but whether valuable or not he should be glad of any information the Government could give. The next Question had reference to Basutoland, the governing chief of which had repeatedly requested that he might be allowed to become subject to Her Majesty, and that request had at last been complied with. As to the Orange Free State, it was, he contended, in a much better position in consequence of the course which England had taken than would otherwise have been the case; for a great Power like England would take care that no irregularities were committed on the frontier. Complaints had frequently been made that the Government of the Orange Free State were bent upon exterminating the unfortunate Basutos, and he submitted that if the people of the Free State were as unoffending as their advocates asserted they had no ground of objection to the course we had taken. Complaint had, he might add, been made of the course which had been taken by this country with regard to the Diamond Fields. They had been claimed by the Orange Free State; but he had no doubt General Hay and Sir Henry Barkly had arrived at a correct decision in the matter. Even if they had come to the conclusion that those Fields belonged to the Orange Free State, it was, he thought, impossible that they should continue under its dominion; for the population of the Diamond Fields consisted mainly of English people, besides Europeans and Americans, and though leading a rough life, included a large number of gentlemen of education, and it was not likely that they would consent to be governed by the regulations of the Orange River Free State. He therefore thought our Government did only right in taking measures to secure the safety and good order of that important territory. He wished, in the next place, to advert to a question which had created great interest in the Cape Colony—the separation of the Eastern Province. Towards the close of last Session, when it was impossible to have any discussion on the subject, an Act for responsible Government at the Cape was sent home. He, however, ventured to ask a Question with regard to it; and his hon. Friend the Under Secretary for the Colonies in reply stated that a Bill for conferring responsible Government on the Cape had the year before been negatived by the Legislative Council by a majority of 1, but that last year it was carried by a similar majority, the fact being that in the interval two hon. Members who had opposed before the Bill, after consultation with their constituents, and finding the preponderance of feeling among them in favour of responsible Government, voted for it. Such was the answer of the hon. Gentleman. But Gentlemen having changed their views on the subject without announcing the fact to their constituents and offering themselves for re-election, had voted in favour of the scheme and had thereby violated the trust their constituents had reposed in them. The result had been that a very violent agitation had sprung up in the Eastern Province in favour of separation from the Western Province. The House was aware that he had for a long time been anxious that the Cape Colonies should be united into one federation; but, at the same time, the feeling in the Eastern Province had grown so strong in favour of separate government that he should only be doing his duty if, without giving any opinion of his own, he laid their views before the House. The Western Province had belonged originally to the Dutch, and most of its inhabitants preserved their old manners and language; whereas the Eastern Province had been originally colonized by Englishmen, who were attached to our laws and customs. It was an unfortunate circumstance that party politics in the colony should generally turn upon the question of the preponderance of either the Eastern or the Western Provinces. He might state as regarded the Eastern Province that a Petition had been presented to the Queen from it containing 13,670 signatures. The number of registered voters in the district was 13,365, and it had been very much signed by them. The total number of male adults, white and coloured, of the 18 districts was 46,455; of this number it had been estimated that Natives and others not qualified to vote constituted nearly 30,000, so that out of 16,000 people qualified to vote 13,000 had signed this Petition, which showed the importance attached by that Province to the question. The value of the fixed property of the Western Province was nearly £9,000,000 and about £9,500,000 in the Eastern. From 1861 to 1872 the Customs had yielded in the Western Province £1,315,000, and in the Eastern £1,182,000; the imports in the Western had been £9,802,000, and in the Eastern £12,000,000; the exports had been £5,500,000 in the Western against £17,300,000 in the East. The population, according to the Census of 1870, was 346,000 in the Eastern Province, against 236,300 in the Western Province. But in the face of these facts the expenditure upon public works in 1870 had been only £291,000 in the Eastern Province, as against £343,000 in the Western Province, although the public Revenue for the two Provinces was £370,299 and £291,000 respectively. Thus, while there was an excess of Revenue on the side of the Eastern Province, there was an excess of expenditure as regarded the Western Province. With regard to intelligence there were 25 newspapers having 32 weekly issues published in the former Province, and only 7 newspapers having 15 weekly issues published in the latter. It was under these circumstances that the Eastern Province not being satisfied with the present state and believing that their interests were not duly represented in Capetown, asked for a separate Government. They complained that the Colonial Parliament was held at a distance from their Province, and that whereas the first responsible Minister, the Colonial Secretary, his private secretary, the Under Colonial Secretary, the Attorney General and his clerk, and Clerk of the Peace, the Treasurer General, the Chief Clerk for Public Works, and the Chief Clerk for Native Affairs, all belonged to the Western Province, only two Members of the Government — the Minister of Public Works and the Secretary for Native Affairs—belonged to the Eastern Province. Hon. Members must admit that this was not a proper representation of the Eastern Province on the Government. From these facts it seemed to him that this was a question for the people of the Province themselves, and if they had a well-grounded cause of complaint it was well that the attention of the Government should be called to it. He had to thank the Government for what they had already done for South Africa. The course adopted in regard to Basutoland would be a great advantage to South Africa, and he hoped that further beneficial results would continue to flow from it.

Mr. KNATCHBULL-HUGESSEN, in reply, said, no doubt there was a great advantage in having to deal with such an amiable critic as the hon. Gentleman (Mr. R. N. Fowler); but there was also some disadvantage in dealing with so vague a Resolution as that which he had brought forward. As to "Algoa Bay," to which the hon. Gentleman announced his intention of calling attention—[Mr. R. N. Fowler: It is a misprint]—he might remind him that there was such a place, and that it was going on as well as could be expected. "Delagoa" was 750 miles north of "Algoa Bay," which was the bay of which Port Elizabeth, in the Eastern Province of the Cape Colony, was the chief town. [Mr. R. N. Fowler intimated that he had informed his hon. Friend privately of the mistake.] He did not complain of the mistake on his own account, but that the House might have been misled by the non-alteration of the Resolution. At Delagoa Bay there was a long-pending dispute between the Portuguese and English Governments with regard to a portion of the territory adjoining. The northern part of the Bay always belonged to Portugal, and had been so regarded in various Treaties; but England had obtained a certain portion of the territory on the southern part of the Bay, which was stated to have been ceded to Captain Owen in 1823 by the Kings of Tembi and Mapoota. These disputes had gone on for some time; there was no very accurate definition of the territory, and it was a matter of some importance upon several accounts. One reason was the probable importance of this Bay to the future development of Natal. Then with regard to what might possibly happen in relation to the slave trade, the Government were of opinion that it was not desirable to give up our position of advantage to put an end to that trade —a position which Lord Palmerston was always so anxious to maintain. He believed that if federation were carried out it would be of the greatest advantage to South Africa, and in this point of view also Delagoa Bay would be of great importance. His hon. Friend had alluded to the possibility of Germany acquiring possessions on that coast. He had no wish to say anything unfriendly in respect to that Power; but, considering how much England had done for the country, he thought we should view with regret the establishment of any great Power in that part of the world which might tend to hinder union and consequent progress. But it had been denied, both by the Government of Portugal and that of Germany, that there was any intention on the part of Portugal to sell, or Germany to buy, any portion of the territory, and the English and Portuguese Governments had referred their disputes as to boundaries to the arbitration of the President of the French Republic. Our case was now being prepared by Dr. Deane under the direction of the Foreign Office, and however much we might desire the development of South Africa, England had no desire to take by superior force anything which might be decided to belong of right to other people. Then as to Basuto Land—it was not a Crown colony of England; but in November, 1871, it was specially annexed to Cape Colony by an Order in Council confirming a local act for that purpose. Civilisation had not sufficiently advanced to justify the application of all Cape laws to Basuto Land; but it was under the administration of an able resident magistrate named Griffith; and, as regarded the financial condition, there was in May, 1872, a balance of between £4,000 and £5,000 in the local exchequer after paying the whole of the expenses, which were defrayed by a hut tax readily paid. There were nine missionary stations, 38 out stations, and upwards of 2,000 children now attending day schools; the Basutos were contented, and agriculture and other branches of industry were making satisfactory progress. As regarded the diamond fields, he looked back with great satisfaction to the course which had been pursued by the Government, and was ready to take his full share of the responsibility of their annexation to the British Empire. It was impossible that this country should ever give up a territory of that kind, and public opinion would endorse the action of the Government in its annexation. But he was bound to say that objections with respect to boundary had been raised by the Free State, and the Papers on that subject would shortly be laid on the Table. What had been done was this. According to the wish of the people, instead of their territory being annexed to the Cape Colony, an administrator, Mr. Southey, lately Colonial Secretary at the Cape, and one of the most eminent statesmen of South Africa, had been sent to administer the Government. It was intended to constitute him "Lieutenant Governor," and under his administration he hoped the colony would enjoy a happy and prosperous future. As to the separation of the two Provinces, no doubt the subject of responsible Government had been a good deal debated at the Cape. Some years ago Sir Philip Wodehouse proposed to approximate it to the position of a Crown colony; but the Parliament of the Cape rejected that proposal. There remained, then, as the only alternative, the establishment of responsible Government. A Bill to carry out this system had been rejected in the Upper House by a majority of 1, though there was a majority in favour of the Bill in the Assembly. Two hon. Members of the Upper House who had formerly voted against the measure subsequently changed their opinions; and, accordingly, when the Bill was again submitted to the House it was carried by a majority of 1, the majority in the Assembly having increased. A large Petition had since been presented from the Eastern Province praying that responsible Government might not be granted without the separation of the two Provinces. It was the fact, however, that out of a Cabinet of five Members, two came from the Eastern Province, both of whom opposed responsible Government, so that the Province was not inadequately represented. Moreover, an analysis of the Petition, so far as Port Elizabeth was concerned, showed that the method sometimes adopted at home for the manufacture of Petitions had not improbably been imported into the colony. Eight-ninths of the signatures, moreover, came from districts which only contained one-third of the whole population of the Eastern Province. An important and influential section of persons in the Eastern Province had pronounced against the separation of the two Provinces, and these gentlemen maintained that public opinion had much altered there on this question. They had formed a Frontier League, and took for their motto—"Frontier Defence and Frontier Trade, for all Equal Justice, and an United Colony," words in which would probably be found the germ of the future prosperity of the country. Thus, public opinion was by no means unanimous in the Eastern Province in favour of separation; and the truth probably was that this feeling in favour of separation originated in Port Elizabeth and Graham's-town, which were jealous that Capetown should be the seat of government. No doubt the distance from Capetown—600 miles—was inconvenient; but this would diminish as the means of locomotion improved. Edinburgh was 400 and Inverness nearly 600 miles from London; but Scotland did not ask to be separated from England. Lord Kimberley, in a despatch just sent out in answer to this Petition, said that, in the opinion of Her Majesty's Government, a fair trial should be made of the new system of Government, especially as now for the first time the Eastern Members would have to deal with Ministers responsible to the Legislature and the constituencies. If the Eastern Province had grievances, the inhabitants had no right to assume that the new Government would be deaf to them. The Eastern Members would be able to make their voices heard; and, as the two Provinces were pretty evenly balanced as regards representation, there was no ground for expecting that the Legislature would deal unequally between them, or, indeed, that any question was likely to arise upon which Eastern and Western representatives would be, as such, opposed one to the other. As to the comparison between their case and that of Queensland, New South Wales contained 1,000,000 of square miles before Queensland was detached from her, and still contained an area nearly double that of the whole Cape Colony, whilst the difference in climate and products between New South Wales and Queensland justified the separation. Under all the circumstances, Her Majesty had been advised not to take any action upon this Petition; but those who signed it had been informed that their Petition had been graciously received. As a last resort, there might, perhaps, hereafter be a Provincial Assembly, subject to a general Legislature; but this should certainly not be resorted to until it had been proved that the existing system of Government could not be advantageously carried on. Some of the newspapers here had last year been hoaxed by a speech purporting to have been delivered by Sir Henry Barkly at the opening of the Legislature. He had promised in last year's debate to lay upon the Table the speech actually delivered; but the matter had been deferred until more complete Papers could be presented upon this and other South African subjects which were now in preparation, and he hoped soon to present them.

MR. EASTWICK said, he was glad the affairs of South Africa had been brought under the notice of the House, and highly appreciated the information given by the Under Secretary of State, especially as it was accompanied by a new expression of opinion on his part of the value of the colonies to the mother country. The Under Secretary had anticipated his intention to refer to a promise made by him on the 28th of May last, that he would lay on the Table the speech of the Governor; but he still felt bound to refer generally to the small amount of information supplied to Members respecting colonial matters. The information in the Library respecting Victoria was more complete than that as to any other colony, and the Acts and journals of the Government there were transmitted with much regularity. They had a record of the Acts of the Cape Legislature, but with several gaps; the Canadian journals were also incomplete; and respecting Bermuda there was a solitary journal for the year 1856. It was very hard hon. Members should have to go all over London for information which should be accessible within the walls of the House; and he trusted, when the new building in Parliament Street was finished, the library of the Board of Trade, supplemented by all Papers relating to the Colonies, would be open to hon. Members. The most important point connected with the Cape Colony was the proposed confederation. It was impossible to continue the present order of things without running continual danger of collision, as might be seen from a mere perusal of the recent Acts. Last year they had to pass an Act to authorise the Governor of Cape Town to make, without entering into a distinct treaty for the purpose, a bridge over the Orange River, which separated his territory from the Orange Free State. There was another Act for the extradition of criminals from the Orange Free State, though he could not understand how such an act should have become necessary; because the extradition of criminals was one of the stipulations made when the independence of that

State was granted in 1854. There were other cogent reasons in favour of federation; for instance, the diamond fields, which last year returned £376,000, and which would attract a large number of Europeans, especially English, to a State over which we had no control and thus add to the complications already existing, for it was impossible that a large number of British subjects could remain under the Government of the Orange Free State. In spite of what had been said he must consider the question of distance from Cape Town as an important one at present, considering the defective condition of communication. Many Members from the eastern side did not, in consequence of the distance, go down to Cape Town; and he thought that a better place for the seat of Government might be selected. The progress made by the Cape justified the belief that it might one day become a great Empire, stretching as far as Delagoa Bay, and a very short time would show that the Orange Free State and the South African Republic would be compelled to confederate with us, because they were shut out from the sea and would be dependent upon us for imports. The matter was virtually in our own hands, and no time should be lost in bringing the confederation to a conclusion.

Mr. KINNAIRD said, he entirely agreed with the hon. Member who had just spoken, and complimented the Under Secretary of State on the pains he had taken to put the House in full possession of the state of affairs at the Cape. He was glad to find his hon. Friend had adopted a sound and manly policy in his treatment of colonial questions, and trusted he would continue to be guided by the same principles in the future. He believed that the colonists would be convinced that their interests now received far more attention than they formerly did in England.

Mr. WHITE complimented the Under Secretary upon his disposition to do full justice to our colonists, but regretted he could not agree with his estimate on the policy of the Governor of the Cape, in reference to the diamond fields. As he (Mr. White) read the despatches, Sir Henry Barkly was only authorised by the Home Government to proclaim and annex as British territory —but by and with the consent of the Cape Parliament—that portion of the diamond fields as really belonged to the Griqua Chief Waterboer. The Governor had, however, also seized and held possession of a part which belonged to the Orange Free State; although the Cape Parliament had refused its assent to any annexation whatever. Surely, the persons best able to judge of the propriety of annexation were the nearest neighbours of the territory annexed, and yet they had by their representatives put themselves in direct opposition to the Governor.

Mr. KNATCHBULL-HUGESSEN explained that the Parliament had, on the contrary, last year, decided in favour of annexation by a large majority, upon which the country had been proclaimed British territory; but upon the presentation of the Bill this year to carry the annexation into effect, some delay had been occasioned by differences of opinion on the question of representation, and the Bill had been withdrawn until the matter in dispute had been settled: meanwhile, the wishes of the diamond field inhabitants had been so strongly expressed in favour of separate administration, that the steps had been taken to which he had already alluded.

Mr. WHITE said, that explanation did not place the matter on a much better footing; for it would seem that when the Cape was a Crown Colony it was favourable; but when it became a responsible Government it was adverse to the Governor's policy of annexation. He was strongly of opinion that the little Republic—Orange Free State—had been very hardly treated by Sir Henry Barkly. In 1854, the Orange Free State had been established and its inhabitants released from their allegiance to the British Crown. Since then, the rights, privileges, and independence of the new State were never interfered with by the Cape Government till the diamonds were discovered, and then the territory north of the Orange river was re-annexed to the British Crown. The extension of our dominion north of the Orange river was adverse to the sound policy recommended by two previous Colonial Ministers—the late Lord Taunton and the late Duke of Newcastle. To interpose the Orange Free State and the Transvaal Republic between British territory and the savage tribes was, he held, a wise policy, as it had of late years exempted the British taxpayers from having to disburse, as heretofore, many millions for periodically recurring Kaffir wars. He entirely concurred in the remarks which had been made by his hon. Friend (Mr. Eastwick) as to the great difficulty of obtaining precise information from the Government on colonial affairs. For instance, he had that morning—in reference to this discussion—consulted the latest and best known official authority,—namely, the *Colonial List* for the present year—and he was astonished to find that by its map the boundary of British Dominion was laid down at only two degrees north of the Bay of Natal, whilst there was now pending in Paris an arbitration between us and Portugal whereby we claimed—and he thought, justly claimed—as British territory fully four degrees north of Natal and including the greater part of the coast of Delagoa Bay.

SIR CHARLES ADDERLEY said, that when not long ago this country endeavoured to govern 40 colonies from England, to manage all their minutest affairs, and defend them by English troops, the House was obliged from time to time to interest itself in such subjects as the present, because enormous sums of English money were spent, while we ignored the capacity of the colonies for self-defence and self-management. The policy which we then pursued injured the colonies even more than ourselves, because it weakened and demoralized them, while it produced numberless wars and disturbances among them. He could remember the time when this colony, much smaller than it was now, cost this country £1,000,000 a year on account of Kaffir wars. Since then, their ordinary expenses had been relieved by English taxpayers by more than £500,000 a-year. Recently they had approached self-support. He wished to obtain fuller information from the Under Secretary as to the prospect of our completely getting rid of all interference with the internal administration of South Africa. The Under Secretary had complained of the vagueness of the terms of his hon. Friend's Notice; but the Government kept the House in much more impenetrable darkness with regard to colonial subjects in general, and as to this colony in particular. He should like to know why the blue-book told us nothing until nearly two years after date? The latest information he could find in the library of the House of Commons with respect to this most important colony, now in a transitional state, was dated August, 1871. The occurrences of 1872 were not as yet reported. He should like to know how far English troops had been withdrawn from South Africa, and how far the expenses of the troops which were still there were repaid by the colony? When he had the honour to hold the office which his hon. Friend now held, it was arranged by Lord Carnarvon that, as responsible government was established in South Africa, that colony should gradually take upon itself its own defence, or that the arrangement made with Australia for payment should be adopted. As to the subject of Basutoland they had very little information. It was very desirable that they should be furnished with more information as to the terms on which it had been annexed. The boundary between the Orange Settlement and the annexation should by this time have been satisfactorily settled. All South African governments they hoped to see merged in the Government of the Cape. When the hon. Gentleman opposite said that the Government had no intention of abandoning any territory of South Africa he wished that that sentiment had been always held. He had stood alone in opposing the abandonment of the Orange River. It had cost us much to get rid of it, and its abandonment was now universally regretted. The inhabitants of the Orange River had the audacity to ask us — now they wished us to take them back to federation — to pay them on their return as we had on their leaving us, so that they wished to be paid both ways. With regard to federation of all South African Governments, which now seemed generally desired, the only question to be considered was on what terms this federation was to be established. That, however, was a matter for the colonists themselves to determine, and not the British Government. It would be, he thought, most unwise for us to originate or dictate such federation upon that point. We should hasten the time as much as possible when Natal should no longer be a Crown colony, but have constitutional government like the Cape. All would then be ready for federation; but it ought to be left to the colonists themselves, whether and how this federation should take place, and it would be unwise on our part to interfere further than to see that their views and ideas when arrived at were fairly carried out.

SIR CHARLES WINGFIELD said, he did not altogether agree in the view taken by his hon. Friend the Member for Brighton (Mr. White) with reference to the policy of Her Majesty's Government in respect to Kaffirland and the diamond fields, or in respect to the subject of confederation. That subject had been discussed in May last, and, speaking generally, the opinion of the hon. Members who took part in the debate, was in favour of confederation. He was not afraid that the confederation of the British colonies would lead to any oppression of the native population, but he could not but regard with some apprehension and uneasiness the proposal to bring in the two Dutch Republics. Slavery had no doubt been abolished in the Orange State, but it was still kept up under the name of apprenticeship in the Transvaal State, and from thence murderous expeditions were made into the native territories for the purpose of capturing slaves, and parents were butchered in order that their children might be secured. The Orange State, too, made it a condition of entering into the confederation that, while they would leave the question of offensive war to the general Government, they should themselves be at liberty to engage in what they called defensive war — a power which he feared would be used for the purpose of oppressing the native population. He thought that if the scheme of confederation was to be carried out, those two Dutch Republics should not be admitted into the confederation until they renounced all right to enter into hostilities with the tribes in the neighbouring territories without the consent of the federal Government.

DEPARTMENTAL EXPENDITURE—PURCHASE AND SALE OF STORES.

MOTION FOR A SELECT COMMITTEE.

MR. HOLMS, in moving that—

"A Select Committee be appointed to inquire and report upon the existing principles and practice which in the several Public Departments and Bodies regulate the purchase and sale of materials and stores,"

said, that economy in public expenditure was to be secured rather by minute investigation than by general discussion. The difference between the two methods appeared to be that a general discussion and the declaration that the expenditure was too great and ought to be reduced was like a physician entering a sick room and declaring that the patient was very ill and ought to get better, while the minute inquiry was like a physician making a diagnosis of the disease and applying a distinct remedy to it. That what he might call disease and disorder existed in some of the public Departments all, he thought, were agreed, and the importance of investigating their symptoms would appear from the expenditure of 1872-3. It appeared by the Estimates for that year that the Departments spent upon military and other stores in the following manner:—The Navy expended over £2,000,000; the Army, £3,600,000; upon India, £1,400,000; for workhouses, £2,000,000; for prisons in the United Kingdom, £625,000; upon the police, £435,000; the Stationery Office expenditure was £376,000, and the Post Office £353,000, making in round numbers the vast sum of £10,800,000 spent without any concert between one Department or body and another. They each acted according to their own free will, no preconcerted method existing, and no general rule being laid down for their guidance. The Treasury was, he might say, the counting-house of the nation, and from the Treasury rules and regulations ought to be sent forth to the different Departments. The House of Commons was the guardian of the public purse, and yet the House had never yet issued any regulations upon this all-important subject. The result was that in place of uniformity being the rule it was entirely the exception. The House would agree with him that there ought to be some comprehensive scheme for buying and selling stores in the great Departments, and his object in moving for a Committee was that some uniform system might be arrived at for their guidance. The Committee could take evidence from the different Departments, and would then be enabled to compare the various methods of buying and selling which they adopted. The Committee could also take evidence of the different plans at present pursued by Belgium, France, Austria, Prussia, and probably the United

States, from most of which he believed information would be found readily available. Nor should they forget to take evidence of the course adopted by the different public companies and large commercial firms in our own country—for no nation was so much accustomed as our own to make purchases upon a large scale. Taking what was good from all these different sources, and eliminating what was evil, the Committee would have the opportunity of founding a good sound system, at once simple and of general application to all our Departments. This was not the first time that such a Committee had been asked for in the House of Commons, for in February, 1856, the late Mr. Ricardo obtained the appointment of a Committee to inquire into the making of contracts for the supply of public Departments, and the effect the system of that day had upon the public service. That Committee sat during three Sessions, but owing, unfortunately, to the death or illness of some of its Members, it never reported. But although the country did not have the advantage of its very protracted labours, it had such an influence upon some of our great spending Departments as to lead to a reduction of expenditure. He might here say that in seeking the appointment of this Committee he had no preconceived idea as to what would be the best system for the country to adopt, and no sensible man with our present limited information on the subject would venture to hold any very strong opinion upon it. The duty of the Committee would be to enter on its labours in a philosophical spirit seeking to obtain information in the most careful and impartial manner, and determining how to apply it to the several Departments. He would readily acknowledge that Her Majesty's Government deserved very great credit for what they had done in the past. He was willing to acknowledge that they had endeavoured to make inquiries, and had followed up those inquiries in a very marked manner. The Local Government Board, the War Office, and the Admiralty had each of them instituted these inquiries; but the fact that each of these Departments had made these inquiries for themselves was an argument for a general inquiry into the different methods adopted for the purchase of stores, whence all Departments could alike gain advantage. To give the Committee a notion of how very opposite some of the plans adopted by other countries were, he would instance the cases of Belgium and Prussia. In Belgium everything required for the public was purchased by public tender. They were advertised for in the most public manner, and tenders might be put into the box within an hour of its being opened. The examination of the tenders was held in the presence of the reporters, the public, and the contractors, and, if possible, the lowest tender was accepted then and there, security, of course, being taken for the fulfilment of the contract. The goods supplied under these contracts to the Army were supplied direct to the officers requiring them, these officers being furnished by the War Office with a sample, which they could use as a test of quality. If the articles were rejected, the contractor had an appeal to a Court composed of officers of a higher rank, and from them he could again appeal to a tribunal composed of three persons, one of whom was appointed by the War Minister, and the other two by the burgomaster. The Belgian plan was thus simple and beneficial to the public, and satisfactory to the manufacturer and contractor. In Prussia, again, though all the power was vested in the central authority, purchases were made to a large extent locally, the local authorities making the purchases under a responsibility which was well defined and insisted upon. Already some very valuable information had of late years been gathered upon these points by our public Departments. The Report of the Local Government Board, for instance, with reference to the metropolitan workhouses, showed that the want of preconcerted action had been productive of considerable mischief, and had led to the most extraordinary variation of price paid by different unions for the same articles. He could see no reason why the workhouses should not combine and buy for the entire body, distributing afterwards what had been purchased, instead of asking for small tenders and competing against each other, as if they had rival interests to deal with. It would be as easy for the metropolitan unions to purchase, for instance, coal, and divide it amongst themselves, as it was for the Admiralty to purchase coal for the Navy and distribute it amongst the different stations and ports. During the Crimean War the

War Office had a number of sub-spending departments. They were brought under one head in 1869. The Admiralty had done the same, and both had laid down rules for their guidance, and if the two Departments were to go a little further and consider the best mode to adopt for the purchase of stores, the result could not fail to be a great public advantage. The system of limited tender which existed in the different Departments at this moment he could not but regard as very mischievous. As in ordinary life, the Government Departments ought to encourage sellers to come forward, and by advertising openly and doing away with the system of limited tender they would, he believed, be doing much to encourage the large manufacturers of the country to come forward as competitors. He would even go further. He thought that in advertising for tenders the quantity purchased at the last tender and the price given for it ought to be stated, so that there might be some guide for the manufacturer. Another duty of the Committee would be to remove some of the anomalies that existed under the present system. Why should they have the War Office and the Admiralty advertising at the same moment for the same article, as if they were competitors? The nation was able to make prompt payment and was a large buyer, and the public ought to gain the full advantage of these two circumstances. But the anomalies were not confined merely to the purchase of materials, but extended also to the sale of stores. The sale of stores was carried on at the present time without any attempt at regulation, and, in some instances, while one Department was actually selling stores of a certain kind, another Department was purchasing stores of exactly the same character in the open market. They ought undoubtedly to have a system of exchange of stores, and a list of articles to be disposed of might be made out and sent round, so that one Department requiring such articles might obtain them from another Department having them to spare. The principle had, he believed, been carried out lately in the case of some timber very successfully, and he could see no reason why it should not be adopted in relation to all other stores. From the want of preconcerted action they found the War Office, the Admiralty, and the Board of Works purchasing coals each on its own account, instead of as one great firm, and in reference to this matter there arose a very curious anomaly a short time since. The coal contractor who had a running contract with the War Office went and said that, as the price of coals was so much higher than when he had accepted the contract, he should be glad to receive the difference in price. The War Office did not agree to this, but they generously gave him the half. No such application was, however, made to the Admiralty. He was not now making any charge against the War Office, but a little preconcerted action would have probably saved the taxpayers a considerable sum, and have secured more business-like conduct. Anomalies also existed with regard to running contracts which required alteration. Another point to which the Committee might, he thought, well turn its attention was to the question of arbitration. At present we had no well-regulated system of arbitration throughout our Departments, and he believed that a well-defined system would be exceedingly valuable, because it was of the greatest importance that they should do all in their power to induce the best men to come forward and serve them. Arbitration, it was true, was already partially adopted in some of our Departments, but the experience of everyday commercial life would furnish the Committee with ample materials for drawing up a good, sound, and well-defined general system. A system of this kind would also give the House a grasp and control over a large section of our national expenditure such as it had never had up to that time. It would also be of great service to political officials going from one Department to another. Indeed, the absence of such a system had at least an indirect influence in increasing our expenditure. A political official going from one Department to another found a system in the one totally different from that which prevailed in the other. The first he had brought himself to understand—perhaps to a certain extent had been its author—and the probability was that he immediately set to work to reform the system of the second Department — a serious consideration when they remembered that every change involved additional expenditure. He had scarcely done more than touch on the question, on account of its magnitude, but he hoped he had shown enough to prove that such an investigation as he asked for would be conducive to the public interest. It would be impossible to have sound and wholesome economy until we had reformed our present system.

MR. WHITE seconded the Motion.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to inquire into and report upon the existing principles and practice which in the several Public Departments and Bodies regulate the purchase and sale of materials and stores,"—(*Mr. Holms,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. GLADSTONE: I rise to say in very few words that which it is necessary to state on the part of the Government with reference to the Motion of my hon. Friend, and justice compels me to commence by acknowledging that, in our opinion, my hon. Friend has performed a public service in bringing the subject before the House. With regard to the mere question of form, I hope my hon. Friend will consent to withdraw his Motion, but simply on the ground of form, inasmuch as another subject of interest is likely to follow this, which could not be brought on if my hon. Friend's Resolution were put in opposition to the Motion that you do now leave the Chair. There will, however, be no difficulty in agreeing to it when this Motion is made substantively, with the same approval on the part of the House which it will receive from the Government. My hon. Friend justly observes that there is a great deal which might be said on this question, while he had only lightly touched upon it. I think my hon. Friend in so doing exercised a sound discretion, because it is not at all required that either a case of corruption or of negligence should be established in order to warrant his Motion. In the immense magnitude of the expenditure, and in the great difficulty of regulating that expenditure properly, my hon. Friend has an ample warrant for what he has done. Necessarily an argument such as he has used assumed a somewhat accusatory colour. But I do not think that was the intention of my hon. Friend. It grew naturally out of the statements necessary to justify this inquiry. My hon. Friend is aware that in one great Department of the State considerable efforts have been made of late years by my hon. Friend near me (Mr. Baxter), now Secretary of the Treasury, and those with whom he served at the Admiralty, towards bringing the system to the best state of which it is susceptible. Upon one point, I think, my hon. Friend was not quite fully informed—namely, as to the machinery of Government applicable to this question. I will mention it without scruple, because what I have to say tends to strengthen rather than weaken the case he has made out. He appears to be under the impression that it is in the power of the Treasury to issue rules and regulations for the guidance and conduct of the Departments with respect to the making of contracts for the supply of the public service. Well, there are certain Departments of the State, and not unimportant Departments, in regard to which undoubtedly the control of the Treasury is sole and paramount, and there, I apprehend, it would be within the power of the Treasury to issue those regulations. But still there are cases which are not of primary but secondary importance. The two great spending and contracting Departments are the War Office and the Admiralty; and I apprehend, with regard to those two Departments, it is not within the power of the Treasury, by any authority of its own, to make regulations which would bind the representatives either of the First Lord of the Admiralty or of the Secretary of State as to the manner in which they shall make contracts for the public service. My hon. Friend will see that, if I am right in this—and I do not entertain any doubt as to the correctness of what I say—that is an additional reason for appointing a Committee of this kind; because the question will arise—and it is not a very easy question, and one which will deserve careful examination—to what degree it may be possible to establish some unity of control with regard to the regulations for making contracts. This is a question of very great difficulty, in which the Executive will cordially welcome any aid it may receive from the House of Commons. The Departments of the Executive for the most part, and the great Departments in particular, have really sufficient difficulty—such is the load of their engagements—in getting through their work as it comes up from day to day, without reconsidering to that extent which I fully feel would be desirable their general position and the general rules applicable to the transaction of work. It is eminently within the constitutional functions of the House of Commons that this sort of general review and consideration should be undertaken either by it, or by its most appropriate organ—a Select Committee. Having said this, there is no reason why I should travel over the same ground as my hon. Friend. From us he will receive the most cordial assistance and co-operation. The difficulties inherent in the system of large supplies for the public service can never be altogether got over. You never can find in regard to the public service a perfect substitute for that vigilant, that ever-living sense of self-interest which applies to private concerns; but the question is, how near can we get to the provision of an efficient substitute, and my belief is that my hon. Friend will render us a very important assistance in the solution of a problem of great difficulty. I undertake to say this on the part of the Government; first, because I can say it without in the least degree appearing as a party in the case, inasmuch as no hon. Member of the Government is less immediately in contact with this subject than myself; and also because it is a matter which does not concern alone any one public Department, but embraces so many, all of whom have a common interest in lending their co-operation to my hon. Friend.

Mr. A. BROWN said, he was glad the Committee was to be appointed, because he was convinced it would do some real good in the matter of contracts. It should have two objects steadily in view—that the contracts should be so drawn as to protect the public, and on the other hand to do justice to the contractor. Many of these contracts were so vexatiously framed that it was believed the best men in particular trades were prevented from sending in tenders. The supply of fuel used in that House and in other Government buildings would naturally come under one form of contract. Valuable evidence might be obtained by the Committee from the Midland and other railway companies which had store departments and used large amounts of stores, as to the best form of contracts, &c. He anticipated much benefit from the labours of the Committee.

Mr. WHITWELL believed that the House would receive the appointment of this Committee with unquestioned satisfaction, which would be equally shared by those contractors who supplied the large buying Departments. What was wanted in the interests of economy was the establishment of a systen of co-operative buying on the part of the Government. The plan of having "select lists" in contracts was a grievous evil. Another point was that the Inspector of Contracts should never be brought into contact with the contractor. If these and other improvements were introduced great advantage was likely to arise to the service. He had no doubt that the labours of the Committee would effect a great reform in the present contract system.

Mr. Alderman LUSK said, it was thought by some a profitable thing to get a Government contract, but as a rule the Government did not pay too much in buying. A great many were of a different opinion, but he asserted that as far as his experience went on the subject, the Government bought very well. He had known his hon. Friend (Mr. Baxter), when at the Admiralty, buy to as much advantage as anyone else was able to do. It had been pointed out by the Return of the Local Government Board on the contracts for the metropolitan workhouses, that one contract for tea was at 1*s*. 2*d*. per pound, and another at 2*s*. It all depended upon the quality. You could go into the market and buy tea for 9*d*. per pound, and there was plenty to be had for 2*s*. 6*d*. The price of sugar, tea, or any other article was, therefore, no certain criterion of quality. In most instances the Government exercised great judgment in making their purchases, and he wished to give them credit for this. Indeed, many persons who entered into contracts with the Government found that they made exceedingly little by their bargains, and, indeed, people with a large business, as a rule, would not be bothered with Government contracts. There were so many tests and examinations; and, besides, perhaps they could not get their money when they wanted it. Another difficulty arose from the fact that individuals who were thoroughly competent to make purchases could obtain higher salaries from private firms than were given in public Departments. Again, it ought always to be borne in mind that private firms learnt to buy goods because they had afterwards to sell them. In like manner, if gentlemen in the Government offices had to sell their goods as well as buy them, they would soon learn how to purchase in the best market.

GENERAL SIR GEORGE BALFOUR wished to say a few words on this subject, as the hon. Member for Hackney (Mr. Holms) had referred to the inquiry over which he had had the honour to preside. He felt assured that the result of the labours of the Committee just moved for would be satisfactory to the public; though he could not altogether agree with the hon. Member for Hackney as to the advantages which would accrue therefrom to the public service: for it was so essential to have supplies of stores at a short warning, that prompt measures must be taken to procure them, or else we must lay in a large stock of stores, in order to be prepared for any emergency. Now, of all evils in a public Department the greatest was having a large stock of stores in hand, and therefore he would caution the House not to expect too much from the coming inquiry. Nevertheless he thought the information which the Committee would obtain must be productive of some good results. The hon. Member for Hackney had alluded to the method adopted by continental nations in laying in supplies of stores; but it should be remembered that their stores were of a different description from ours, and were not subjected to the same severe test. The strict inspection of stores purchased for our public Departments deterred many contractors from sending in tenders; for the Inspector was exposed to the most severe reprehension and loss if the slightest defect was discovered in any of the articles delivered. It should also not be forgotten that many articles required, especially in the War Department, were different in pattern from those in common use, and therefore required to be fabricated expressly, and would be a dead loss if rejected. He might here mention that the hon. Member for Hackney was wrong in supposing that the War Department and the Admiralty did not act together in purchasing certain articles; for instance, groceries, salt meat, rope, and other articles, were obtained by the War Department from the Naval stores; while the Admiralty was supplied by the War Office with ordnance, projectiles, and ammunition. In expressing his satisfaction at the right hon. Gentleman at the head of Her Majesty's Government having so readily assented to the Motion, he wished to express his conviction that whatever mistakes might have been made, it would be found that his right hon. Friend the Member for Ripon (Sir Henry Storks), and the right hon. Gentleman the Secretary of State for War, had given great attention to the subject, and had carefully watched over the interests of the public service, in everything relating to contracts and the purchase of stores. In conclusion, he said he was sure his right hon. Friend the Member for Ripon would willingly testify that the War Department owed much to the services of Mr. Thomas Howell, who for 17 years had acted as Director of Contracts, and who was a most excellent and conscientious public servant.

MR. BAXTER wished to make a few remarks, because what had been said by his hon. Friend the Member for Hackney (Mr. Holms) might possibly confirm a misapprehension which existed in the public mind on the subject of arbitration. It was supposed that when a contractor sent in goods to the Admiralty or the War Office he was entirely dependent on the judgment of the Inspector, from which there was no appeal whatever. This was formerly the case, he regretted to say. The consequence which was found to be produced was, that many men of the highest positions would not submit to the judgment of an official who was probably in the receipt of a very small salary, whose decision could not be appealed against, and who in some instances had no special qualification for judging between one article and another. Many years ago a change was made at the War Office, and he had not been at the Admiralty more than a month or two when he mentioned to the First Lord of the Admiralty the fact that the practice at the War Office had been altered, and said he thought it indispensable that there should be an appeal from the decision of an Inspector of Contracts direct to the Financial Secretary. His advice had been adopted, and now whenever a contractor felt himself aggrieved and thought his tender ought to have been accepted, all he had to do was to write to the Financial Secretary, who would at once direct that an officer should be appointed to judge between the contractor and the Department. There were now no complaints, and he wished it to be understood among the mercantile classes who were likely to send tenders to the Admiralty that there was an appeal against the decision of Inspectors.

Motion, by leave, *withdrawn.*

THE SCARCITY OF COAL.

MOTION FOR A SELECT COMMITTEE.

Mr. MUNDELLA rose to move that—

"A Select Committee be appointed to inquire into the causes of the present dearness and scarcity of Coal, and report thereon to the House."

The hon. Member stated it would not be necessary for him to trouble the House at any great length, as he understood the Government would assent to the appointment of the Committee. In proposing this Motion he begged to say that he had no desire to establish any theory of his own, or to induce the House to interfere with the general course of business in this country. He had no foregone conclusion on the matter, and all he was anxious for was that coal consumers should have on record evidence of an undoubted character as to the causes of the present dearness and scarcity of coal, in order that we might in future guard against them, if it were possible. The importance of the question it was hardly possible to exaggerate, seeing that coal was the source of the motive power of our national industries, and therefore as a necessary stood next to food. No doubt the excessive dearness of fuel was now inflicting great hardships and privations upon tens of thousands of poor people, but it was in reference to the employment of our people that this question was of greater importance than it was as a question affecting their comfort. Some of us experienced a rude shock when Sir William Armstrong, basing his calculations on the present ratio in the increased consumption of our coal, concluded that our coal pits would be exhausted in 110 years; and, although many of us might desire to live as long as we could, few would desire to live within 20 or 30 years of that exhaustion, for nothing more disastrous could be contemplated. Even if we might be hopeful that Sir William Armstrong had taken too desponding a view of our coal supply, and of what could be done by economizing and utilizing our resources, he was quite right in estimating two years ago the increased cost to the country of the consumption of coal at £44,000,000 per annum. That was considerably under the mark; and he (Mr. Mundella) had heard the increased cost estimated at as high a figure as the total amount of the taxation of the country. A vast proportion of this increase was undoubtedly paid by the foreign consumer, in the higher prices of iron, rails, steel, and manufactured goods of every description; but a large proportion was also paid by the people of this country, and that was already producing disastrous results to the industry of the country, for mills were being stopped and labour disorganized, and he had been told of one place in Lancashire where the wages paid were £1,000 a day less than they would be but for the dearness of coal. Therefore if its price were maintained, the most disastrous results must ensue. A large proportion of the apparent loss to the country went into the pockets of the coal-owners, but they were a very small class of the community, and the mass of the people was suffering from the cause of their prosperity. There was growing up in the country a strong feeling that measures ought to be taken by the Government to meet the difficulty. He did not expect the Government could or would interfere with the ordinary laws of supply and demand; but he believed a sound public opinion could do much to put an end to the existing state of things. The very Notice of this Motion had called the attention of the coal-owners, the miners, and consumers throughout the country to this question, and it had begun to operate in the direction of a reduction of the price and an increase of the supply. Since he had put the Notice on the Paper, indignation meetings had been held in many parts of the country, and in many districts, particularly near Sheffield, a feeling was manifested in favour of the entire prohibition of the export of coal. Before anything was done in that direction, it was well that public opinion should be well informed as to the real facts of the case; and, amongst other reasons, it was in order that an intelligent public opinion might be created, that he moved for a Committee. He had received numerous letters, some of them from men of very high intelligence, suggesting that the Government should assume the control of the undeveloped mines of the country. It was very important, however, that before dealing with the rights of property, or what were believed to be the rights of property, they should have the requisite information on the subject. Various causes had been assigned for the present dearness and scarcity of coal. Sir William Armstrong said the demand had overtaken the supply, and that a very small increase in labour on the part of the workmen would enable the coal-owners to meet the demand. He did not wish to dispute that, nor did he wish to establish any theory of his own, but he quite concurred in the statement that the coal-owners had long been aware that the limitation of quantity was the only effectual mode of raising prices, and that what they had never been able to do by their own action—namely, to maintain a restricted production—had been done for them by their workmen. His hon. Friend the Secretary for the Admiralty, in a speech at Reading a few months ago which created some sensation, attributed the present dearness of coal to a combination of the coal-owners. The coal-owners very indignantly repudiated that statement, and he (Mr. Mundella) could not say from any evidence that had come before him that there had been anything like a coal rig, or combination of coal-owners, and even if he had such evidence he would not state it in view of an inquiry by a Committee. He was quite sure that the coal-owners were willing parties to the present diminished production, and that they had no objection to pocket the enormous prices that were being paid. On the other hand, the coal-owner assigned the present state of affairs to the idleness and profligacy of the workmen; and if that were so, it was the first time in modern experience that the idleness and profligacy of workmen had been turned to so good an account by their employers. But if there were any truth in this assertion of the coal-owners, it was exceedingly deplorable. As an advocate of the rights of association, he felt it his duty to denounce in the strongest manner any attempt on the part of workmen either to shirk their work or to combine together to restrict production, and diminish the stocks which could be raised by their employers; and it was therefore in the highest degree desirable that a Committee of this House should ascertain whether there was really any foundation for such a statement, and that the working class should bring their opinion to bear upon that small portion of their own class to induce them to conduct themselves with propriety and industry. He was glad to see that this week working men themselves were bringing their influence to bear upon their fellow-workmen, and that the Clay Cross colliers—a numerous body in Derbyshire—had met and passed a resolution pledging themselves, seeing the serious state of things that resulted from the scarcity of coal, to attend work regularly; and the speakers denounced those who, by neglecting their employment, were doing so much harm to the country at large. The evils of combination were not beyond the reach of intelligent public opinion, and the true way of making the working men temperate, thrifty, and industrious, was to bring to bear on them the influence of their own class. But the men repudiate the assertion that they were thriftless and idle; and there was certainly something to be said on the other side of the question. He had before him figures for the correctness of which he could vouch. They were a statement of the output of coal from a mine in which he was interested, and they had been worked out by the manager himself. From that statement it appeared that coals which a year and a-half ago in the South-West Riding of Yorkshire were sold at the pit's mouth at from 6*s.* to 8*s.* per ton, and in London from 18*s.* to 20*s.* per ton—the wages paid for under and above ground labour being 2*s.* 6½*d.* per ton—last week were sold at the pit's mouth at from 18*s.* to 20*s.* per ton, the difference being 12*s.* to 14*s.*; and in London, after paying 8*s.* per ton as the cost of transit, they were sold at from 45*s.* to 50*s.* per ton, and to poor people, who purchase in small quantities, at 60*s.* And what had been the miners' wages? He could vouch for the truth of this statement also. The wages in the very same mine paid last week had been 3*s.* 2½*d.* per ton, as against 2*s.* 6½*d.* a year and a-half ago. There appeared to be an impression in the country that the strike in South Wales had a great deal to do with the increased price of coal; but there never was a greater mistake. He was assured on all hands that the strike had rather increased the supply of house and steam coal than decreased it. The men who had been engaged in raising coal for the production of iron had gone into the house and steam coal mines, and there had thus been a larger supply of those descriptions of coal in South Wales than before the strike began. It might be asked how such an inquiry as he proposed could affect the price or supply of this important commodity? He did not expect, as the result of the Committee's labours, any legislation interfering with the trade; but he did expect that some light would be thrown on the whole question which would show the public how the present state of affairs had come about. Last week the coal proprietors of South Yorkshire had a meeting and denounced the middle-men, who they said were pocketing more than 20*s.* per ton on the coal sold in London. If there was such a monopoly in this great metropolis, it was quite time it should be exposed and means taken to remedy it. The notice of the Committee had already operated in reducing the price, and he believed it would also operate in increasing the supply. While the various parties interested in the matter were reproaching each other, they might be satisfied that the result of their mutual quarrels would be to benefit the public, and the probability was that they would have the price of this most important part of their national industry, employment, and comfort materially reduced. He begged to move the appointment of the Committee.

Mr. LIDDELL said, he rose to second the Motion of his hon. Friend, and to express his satisfaction that the Government had thought fit to accede to this inquiry. He supported the Motion, not because he believed it would be productive of any good. He did not believe it would teach practical men—persons conversant with trade generally—anything that they did not know at present; but he thought it would have a tendency to remove a considerable amount of misapprehension which prevailed in the public mind on this subject. He could not help thinking that he had detected traces of error and misapprehension in the statement of his hon. Friend opposite; and if errors and misapprehensions existed, a Committee was an excellent place to dispel them. It was upon that ground desirable that an inquiry should be instituted. He would illustrate what he meant by a reference to another matter, which had occupied public attention rather extensively. He saw or heard that somebody recently described a Royal Commission as a Commission whose object was—"to lower the price of horses from national considerations." Now he did not believe it was in the power of a Royal Commission or of a Committee of this House to lower the price either of horses or coal, even from national considerations. It was not in the power of Parliament to alter the inexorable laws of supply and demand, and therefore he was afraid that they would not do much to lower the price of coal by the researches of this Committee, but though it was not in the power of Parliament to reduce the price of favourite articles of consumption, he must remind the House it was in their power to enhance the price of such articles. It had often been done before, and he had no great confidence that it might not happen again. Every time that this House interfered with labour it had that tendency. He had often seen attempts made in this House to interfere very materially with labour, and he had little doubt that labour had a great deal to do with the present price of coal. The whole history of the present state of affairs in the coal trade might be briefly described. Coal was the first necessity in manufacturing industry, and they had seen the industry of this country expanded in what he might almost call a supernatural degree. The demand for that first necessity had consequently overtaken the supply, and when that took place it was impossible to tell to what a pitch prices might reach, because every accidental circumstance might tend to increase them. Then their friends the workmen stepped in, and not unnaturally said—"You coal-owners are making enormous profits; we must share them." Thus wages rose. The workman found that he could earn as much or more than he did before by working less time, and the effect of that was that the output of coal was diminished. Up went at once the price of coal again, and there was a great national—he would not say grievance — but calamity, which, like an enormous snowball, went on rolling—*vires acquirit eundo*—and it would be difficult for the most sensible men in the House or out of it to predict what might happen or what the issue might be. Unless wiser counsels prevailed, his belief was that a long continuance of the present price of coals would end in crippling and paralyzing the productive power of the country, and in banishing capital to distant but freer fields. This he believed, and he stated his belief openly on the floor of the House of Commons, in order that those who understood the question might contradict him if they could. His hon. Friend and many other people said—"Oh, the coal-owners are making the most of all this, and putting all this money into their pockets." Well, he knew that they were making a good deal of money, and so also were the coal merchants; but were traders to be debarred from "making hay while the sun shines?" He wished to point out that what the coal trade flourished by was a steady demand and fair prices. It was the lasting price that was beneficial; an exaggerated and inflated state of prices was looked upon with apprehension by prudent men, because it could not last; it must come to an end, and the end would probably be a crash. The coal-owners would like to see a steady demand at reduced prices, because such a state of trade would be continuous. He thought that the proposed Committee might do good. He thought also that it might do good in a way which had not been alluded to; it might tend to teach the working men what he wished they would study a little more—and that was the condition of the trade in which they were employed. The English working men employed very clever agents to obtain all kinds of information, and to give them much advice—often mistaken advice — but if they would employ persons to go abroad and find out what kindred interests and industries were doing, what probability there was of those rivals profiting by the decided check these prices were already inflicting, or would inflict on British industry, such information would go to the hearts of English workmen, who would be quite sensible enough to understand it. If information of this nature resulted from the researches of the Committee, conducted with a real view to the public interest, it would be extensively studied by our workmen, and nothing would so much tend to terminate the deplorable conflicts between capital and labour as a thorough comprehension of the conditions of manufacturing industries in which they were both engaged. The hon. Member concluded by seconding the Resolution.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to inquire into the causes of the present dearness and scarcity of Coal, and report thereon to the House," —(*Mr. Mundella,*)

—instead thereof.

MR. HUSSEY VIVIAN said, he thought there could be scarcely two opinions as to the advisability of the question being investigated by a Committee of the House of Commons. The price of coals in this country went to the very root of its manufactures. There could be no question that the greatness and the prosperity of this country had arisen, in the main, from the cheapness of its coal, and disastrous consequences would ensue to our manufacturing industries from a continuance for any length of time of present prices or anything approaching them. Indeed, many of our great industries would no longer be able to exist. The great smelting industries, with which he was intimately acquainted, were already largely suffering, depending, as they did, on the cheapness of fuel. We imported ores of every kind from all parts of the world, and we should no longer be the great smelting centre of the globe if the present price of coal continued. He would touch very slightly on the present state of things. He believed the well-known and unalterable laws of supply and demand were at the root of the difficulty. He had no doubt that the commencement of the present high prices arose from the exceeding prosperity of the manufactures of this country, especially the great iron manufacture. Everybody desired at one moment to increase the quantity of iron and other manufactured goods, which could only be done by increasing the consumption of coal. In all trades it was found that a very small excess of demand produced an extraordinary increase of production; and such was the case with the iron trade—a very slight deficiency, marked almost by a decimal fraction, would produce the evil under which England now suffered. He was not at all sure that he should find that the output of coals had been largely diminished; but he had no doubt that the short hours during which the men had worked, and the extent to which they had restricted themselves in the quantity of coals which they had worked during those hours, had had a material effect on the maintenance of the high prices. A rising price, as his hon. Friend had remarked, acted on wages, and rising wages acted on prices; and it was impossible to say where such a state of things might end. When he moved for the appointment of a Royal Commission in 1866 to inquire into this question, he expressed a very decided opinion in that House, and he gave his reasons for believing that a bountiful Providence had provided this country with such an enormous store of this precious mineral as should rid us of all apprehension of a failure of supply within any reasonable time. The results of the Inquiry by the Royal Commission corresponded almost exactly with the figures which he had submitted to the House; and he thought therefore that he needed not to speculate on the increased consumption of coals on either the arithmetical or the geometrical ratio. Those who investigated the case in that way were bound to show what other conditions must subsist if the increased consumption of coals went on according to either of those ratios. As he showed in 1866, such assumption involved a production of iron which was perfectly fabulous, and so dense a population as almost to make it impossible to supply them with water enough to drink. It was absurd, therefore, to say our coal would last only 100 years, for our population could not increase with the rapidity which this involved. He predicted in 1866 that the difficulty of the future would be labour, and so it had proved. From all the experience which he gained from that Royal Commission, he said again that the stores of those valuable minerals in this country were unbounded. At the present rate of consumption, we had coals enough to last us upwards of 1,200 years. He arrived at this point after a most careful calculation. The coals were almost measured and weighed. The district which he undertook, and he believed every other, were investigated as carefully, and each seam as carefully estimated, as anyone might investigate a mineral property which he was about to purchase. He thought, therefore, the country might rely in the most absolute manner on the results given by the Royal Commission; and his opinion was that other coalfields would afterwards be discovered in the South of England and elsewhere, which would largely increase the quantity of coal which they were able conscientiously to report; so that, as far as that was concerned, they might dismiss all their fears. The question of labour in a colliery was not precisely the same as it was in almost any other industry. He had, indeed, been able to turn good intelligent labourers into thoroughly good colliers; but though there was no insuperable difficulty in doing that, still it took time—a great element in matters of that kind. He could only hope that the Committee would be carefully selected, so that its Members might not have any special bias, but that they should assume as nearly as possible a thoroughly judicial character.

Mr. EYKYN said, he supported the appointment of a Committee to investigate into all the circumstances which had led to the enormous rise in the price of coals. He trusted that such an investigation would show who were the real sinners, and whether it was to the miners, the coal-owners, or the intermediate men, the coal dealers, that they were indebted for such small mercies as were vouchsafed to them in that matter. He was himself connected with one of the London gas companies which was at that moment applying to the House for increased powers to enable it to obtain an increased price for its gas in consequence of the increased sum it had to pay for coal; therefore he felt deeply interested in the question before the House. It was a source of satisfaction to learn from the last speaker that the amount of coal in this country was so great, although his views on that point did not quite accord with those of Sir William Armstrong and Professor Jevons.

Mr. WHEELHOUSE suggested that the proposed Committee should direct its inquiries, among other points, to the question of how far it was desirable, in regard especially to those countries with which we had no treaties prohibiting it, to place an export duty on coal.

Mr. BRUCE said, the Government had no difficulty in acceding to the desire of the hon. Member for Sheffield (Mr. Mundella) that a Select Committee should be appointed to inquire into the subject of the increased cost of coal. He had too great confidence in the knowledge and good sense of the people to suppose they would expect the result of the Committee to be that the Government or Parliament would interfere with the production of coal; but he thought that the importance of the subject was such, and the advantage of enlightenment so considerable, that it would be wrong to lose the opportunity of obtaining the fullest information on the question. A good deal had been said about the causes of the sudden and enormous rise in the price of coal which had naturally excited such interest and anxiety. Most speakers had alluded to the great influence of the supply of fuel on the commercial greatness of this country, and also to the intense suffering which its dearness inflicted on a large part of the community. There was no doubt the immediate cause of the rise in the price of coal was a concurrence of two circumstances. The one was the sudden expansion of the demand for iron at the same time that there was a general increase in almost every description of trade in which fuel was essential to production, and the other was the coincidence of a great demand for increased wages among the colliery population. There had also been at the very moment when the demand for coal was greatest a considerable reduction in the amount of labour applied to the production of coal. He was unable to give the figures showing the amount of coal produced in the last year as compared with preceding years, for the Returns for the Government on that subject were not yet complete. The general result, however, of the information he had been able to gather from Inspectors on that point was, he thought, very much that which had been arrived at by his hon. Friend the Member for Glamorganshire (Mr. Hussey Vivian). He believed there had been little decline positively in the production of coal last year, but that relatively to former years, relatively especially to the great increase in the demand for coal, there had not been that increased production of it which might have been naturally expected. There had been an immense increase in the means taken by capitalists to meet the demand for coal, but there had not been corresponding exertions made by the working population to supply coal. He spoke from unimpeachable sources of information when he said that in his own district the increase of the rate of wages had led not simply to a decrease in the actual amount of coal yielded, but to a positive decrease of the earnings of the workmen themselves. In some of the largest collieries in his neighbourhood last year the total amount of wages paid to the workmen, although their rate of wages per ton had considerably increased, was less than it had been in the preceding year. That, he feared, had arisen partly from the determination of the men who had allied themselves to the trades' unions to diminish the supply of coal in order to raise its price and their own wages, and partly also, to a very great extent, to the extraordinary agitation which the state of the coal market produced among the working class. The men naturally expected to participate in the large profits made through the increased price of coal, and they hardly knew how much to ask. The consequence had been that workmen, hitherto industrious and regular in their attention to their work, had been content to work three days a-week, and, to his certain knowledge, in some cases only two days a-week, and in that way they earned far less wages. He believed, however, they were now recovering to a great degree from that error; and that, owing to the strong expression of public opinion and to the advice of some of their leaders, who were very sensible to public feeling, an improvement in that respect was occurring. At that moment probably the production of coal in South Wales was as great as it had been in any previous year. The strike there had nothing whatever to do with its production. The strike applied to the iron trade, and the coal used in the production of iron. But from a great number of the colliers engaged in the iron trade having transferred their labour to collieries worked for the general market, and also from a better feeling—and in fact a return to their old habits of industry on the part of the working population—there was at the present moment undoubtedly a very marked increase in the production of coal. He was not surprised at the effect of the extraordinary condition of the trade on the minds of the colliers. Nor did he blame the coal-owners for making the best of the large demand. They could not expect a peculiar and exceptional generosity from any class. What they could expect was an enlightened self-interest, and he believed that enlightened men among them were discovering that the late enormous price of coal would not operate altogether to their own advantage—that it was paralyzing other kinds of industry, and must ultimately exercise an evil effect upon their own trade. It was seen that at this moment, when in all parts of the world there was the greatest demand for the products of this country, our manufacturers were in many instances actually obliged to reduce their ordinary establishments, from the simple fact that they were unable to obtain cheaper fuel. But out of evil often came good, and one good that would probably come out of the present high prices of coal would be that it would lead the people of this country, whether those who were engaged in manufacture or who consumed coal merely for domestic purposes, to be more economical in its use. He had conversed with intelligent gentlemen connected with the iron trade, who had travelled in France and Germany for the purpose of comparing the modes of production and manufacture in those countries and in England, and they had assured him that no one circumstance struck them so forcibly as the difference between those two countries and England with respect to the use of coals. There was a careful and economical use of coals in France and Germany, and a wasteful consumption in this country. But we had now learnt a lesson which he hoped we should profit by. Economy in the use of coal was in progress in our steam Navy, where the economic employment of coal was of double importance, not only on account of the actual price paid for fuel, but on account of the large room for the carriage of goods which a smaller quantity of coal would admit of. We knew that the same motive power was now obtained by about half the quantity of coal which used to be obtained some years ago, and he supposed there was hardly a boiler in use throughout the country for which so much coal was burned as 10 years ago. In other directions efforts were being made to economise, and in proportion to the rise in price would those efforts increase. They would no doubt have the effect of preventing the gradual increase in the consumption of coal to which reference had been made. Sir William Armstrong suggested that if the increase in the consumption of coal went on at the same rate as it had done during the last 20 or 30 years we should come to the end of our coal supplies in about 110 years. But his hon. Friend the Member for Glamorganshire (Mr. Hussey Vivian) had stated that it was a physical impossibility that the same ratio of consumption should be kept up, and over and above the reason his hon. Friend gave for his opinion, there was the increased price of the article. An hon. Member had alluded to the legislation of this House as having had some effect in raising the price of coal. No doubt one effect of the Mines Act of last Session was to limit the labour of young persons under 16 years of age to 54 hours per week. But he would like to know whether the coal-owners of this country would not be glad to bargain for 54 hours a-week from their workmen. He had asked one of the most experienced of the Inspectors—a man of fair and candid mind—for his estimate of the cost which the Mines Act added to the production of coal, and his estimate was that it had added 2*d.* a-ton. On the other hand, we might reasonably expect from that legislation a better educated body of men, and that, in his opinion, would more than counterbalance the loss to the community in the increased price of 2*d.* a-ton, or even a very much larger sum. All these matters, however, would be considered by the Select Committee, and the Government would as far as possible aid in fulfilling the desire of the hon. Member for Glamorganshire that the Committee should be composed of men likely to give the fullest and, at the same time, the fairest consideration to the subject.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived.*

Words *added.*

Main Question, as amended, put, and *agreed to.*

COAL,—Select Committee *appointed*, "to inquire into the causes of the present dearness and scarcity of Coal, and report thereon to the House."

And, on March 4, Committee *nominated* as follows:—Mr. AYRTON, Mr. CORRANCE, Mr. HUSSEY VIVIAN, Mr. WHARTON, Mr. CARTER, Mr. DENISON, Mr. LIDDELL, Mr. PEASE, Mr. JOHN STEWART HARDY, Mr. PIM, Mr. GRIEVE, Mr. EDMUND POTTER, Mr. WATNEY, Mr. STANHOPE, Mr. WILLIAM HENRY SMITH, Mr. ANDERSON, and Mr. MUNDELLA:—Power to send for persons, papers, and records; Five to be the quorum.

SUPPLY, — Committee upon *Monday* next.

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter before Nine o'clock, till Monday next.

HOUSE OF LORDS,

Monday, 24th February, 1873.

MINUTES.] — SELECT COMMITTEE — Horses, *nominated.*
PUBLIC BILLS—*Second Reading*—Epping Forest * (19), *discharged.*
Select Committee—Regulation of Railways (Prevention of Accidents) * (23), *nominated.*

NAVY—H.M.S. "DEVASTATION."

POSTPONEMENT OF NOTICE.

THE EARL OF CAMPERDOWN rose to make a request of his noble Friend on the cross-Benches (the Earl of Lauderdale) whose Notice on the subject of the *Devastation* stood as the first Order of the Day. He wished in their Lordships' House to make an appeal to his noble Friend which he had already made to him in private. The commissioning of the *Devastation*, as their Lordships were aware, was an occurrence of no ordinary interest. She was believed to be not only the most powerful vessel of war in the world, but she was also one of a new type, and the first unmasted sea-going ironclad that had as yet been launched. The First Lord of the Admiralty intended when moving the Navy Estimates in the course of the next fortnight to make a full and complete statement with reference to her, and therefore he now ventured to ask his noble Friend to postpone his Question until the Navy Estimates had been moved. His reason for asking the noble Earl to postpone the matter was that he felt sure it would be more satisfactory that all the various points with reference to the *Devastation* which had excited public interest should be dealt with completely and simultaneously, and that above all it was important to preclude the possibility of erroneous inferences being drawn from an answer to an isolated question. After the Navy Estimates had been moved he should be very glad to afford the noble Earl any information in his power.

THE EARL OF LAUDERDALE said, he had intended to ask his noble Friend whether the *Devastation* was to be inclined in order to ascertain her stability at various angles, and as to what trials were to be made at sea to ascertain her efficiency and safety as a sea-going vessel in bad weather, such as a sea-going vessel is liable to encounter at all seasons. He felt much interested in the experiment of constructing such a ship as the *Devastation*. He was not one of those who had held that she would be a good sea-going vessel, but he thought that a trial of such an iron-clad should be made in order to decide the question. After the appeal made to him by his noble Friend, and the reasons stated for that appeal, he could not hesitate to postpone his Question.

THE DUKE OF SOMERSET desired to say a word as to the inconvenience of allowing Notices to stand on the Paper of the day for which they had been put down, and giving no intimation to noble Lords beforehand that they were not to be brought on. He had come down to the House at some inconvenience, but he should not have done so if he had not believed that he should have an opportunity of making some observations on the subject of the *Devastation*. He could not see any good reason for postponing the matter. It could not be discussed among a whole mass of figures such as entered into the Navy Estimates; but if the subject of the *Devastation* was taken by itself their Lordships might have a useful discussion on the state of the vessel, which he believed was far from satisfactory.

THE EARL OF LAUDERDALE could assure the noble Duke it was not his fault that he had not had notice of the intended postponement. He was not aware that the noble Earl (the Earl of Camperdown) intended to make this request until it was too late to give notice.

THE EARL OF CAMPERDOWN said, he regretted that his noble Friend (the Duke of Somerset) should have suffered any inconvenience. The request for a postponement was only made to the noble Earl (the Earl of Lauderdale) on Saturday night, and until their Lordships met this afternoon he had been unable to inform the noble Duke that there would be a postponement. He thought the noble Duke would himself agree in thinking that the First Lord of the Admiralty would desire to have this opportunity of making his statement with regard to the *Devastation* before the subject was discussed. He must demur to his noble Friend's statement as to the vessel being in an unsatisfactory condition.

CHURCH TEMPORALITIES COMMISSIONS (IRELAND)—PURCHASE OF RENT CHARGE.—QUESTION.

THE EARL OF LONGFORD asked, as to the Irish Church Act, 1869, What proportion of "owners" have applied to the Church Temporalities Commissioners to purchase their rent-charge in lieu of tithes, and whether it was intended to propose any change in the conditions under which rent-charge in lieu of tithes may now be purchased (under the 32nd section)? His reason for asking the Question was that it is generally understood that the progress made so far had been very slow, not more than 10 per cent of the proprietors concerned having as yet applied to purchase. As one of the proprietors he was not surprised that such should be the case. They had from the first protested against the conditions laid upon them, and although last year some modifications were made and some advantage given to them on the score of an allowance as deduction for payment of poor rate, still they hoped for yet better terms; and there was a general impression that the Government had some measure in preparation—either by the compulsory conversion of all tithe rent-charge into a Government rent-charge, to expire at a fixed time, or by some other arrangement for the purpose of expediting the proceedings of the Commissioners. As an instance of the delay which had been caused by the prevailing uncertainty, he might mention that on the 19th of February, 1872, he applied to purchase a tithe rent-charge of £9 6*s.* 9*d.*, and the purchase was not yet completed. It had advanced considerably, but the transaction was a very small one to extend over more than a year. He did not, however, make any charge against the Commissioners—they had had a very complicated matter to deal with. The change made in the law last year, small as it was, had interrupted their proceedings, and it was for some time uncertain what the result of their action might be; but it was now known that there would be a considerable surplus available for the advancement of learning, or for the improvement of the breed of horses or other public purpose, and he hoped to hear that some arrangement was in view to enable owners to purchase their rent-charge on more favourable conditions.

THE EARL OF KIMBERLEY said, it was quite true that only a very small number of owners in Ireland—only 4,700, which was a very small proportion—had applied for commutation under the Irish Church Act; but at present Her Majesty's Government had no intention of bringing in any measure on the subject.

House adjourned at half-past Five o'clock, 'till To-morrow, a quarter before Five o'clock.

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HOUSE OF COMMONS,

Monday, 24th February, 1873.

MINUTES.] — SELECT COMMITTEE — Turnpike Acts Continuance, *appointed.*

SUPPLY—*considered in Committee*—Committee—R.P.

PUBLIC BILLS—*Ordered—First Reading*—Railways Provisional Certificate * [78].

Second Reading—Victoria Embankment (Somerset House) * [41]; Custody of Infants [67].

Considered as amended—Bastardy Laws Amendment * [75].

Third Reading—Polling Districts (Ireland) * [1]; Local Government Provisional Orders * [2]; Drainage and Improvement of Lands (Ireland) Provisional Orders * [63], and *passed.*

UNIVERSITY EDUCATION (IRELAND) BILL—THE COUNCIL.—QUESTIONS.

LORD ROBERT MONTAGU asked the First Lord of the Treasury, Whether it is intended (by sec. 31, p. 15, of the University Education (Ireland) Bill) that, on the first Monday in November 1874, the twenty-eight Ordinary Members of the Council, and the Collegiate Members sent by the Colleges to be mentioned in the First Schedule, shall at once proceed to admit to the University system any other Colleges which may before that time have applied for admission; and, if so, whether provision will be made to secure that those new Colleges shall send their representatives to the Council before the day (January 1, 1875) mentioned in Clause 2; and, whether it is proposed to vary the representation of each College from year to year, according to the number of students which may be matriculated?

MR. GLADSTONE apprehended the meaning of the Bill was that the Council, when completed on the 1st of November, 1874, would be enabled, if it thought fit, to exercise any of its functions in preparation for the 1st of January, 1875. With regard, however, to the intention of the Government or the intention of Parliament, that, he supposed, was to be looked for only in the measure itself, and whatever was not contained in the Bill would be in the discretion of the Council with reference to the purposes for which they were appointed. Supposing they exercised their functions in such a way as to declare certain Colleges to be members of the University, he apprehended that intention would have no effect until the 1st of January, 1875. In reply to the second Question, he had to state that the intention of the framers of the Bill was that the period when the election was to be held should be conclusive and final with regard to the election for the Council.

LORD ROBERT MONTAGU wished to know whether there was no provision to be included in the Bill which would cause the Council to affiliate Colleges so that those Colleges might be able to send up members before the 1st of January?

MR. GLADSTONE: It appears to me that the Question of the noble Lord rather anticipates the discussions in Committee on the Bill.

METRIC WEIGHTS AND MEASURES—LEGISLATION.—QUESTION.

MR. J. B. SMITH asked the President of the Board of Trade, Whether it be his intention during the present Session of Parliament to bring in a Bill to establish, after a fixed period, the use of metric weights and measures?

MR. CHICHESTER FORTESCUE, in reply, said, that a Bill, if introduced by the Government, would not contain provisions for the establishment of the system by way of compulsion, but would legalize its optional use in this country. The question, he might add, was one with regard to which there was considerable difference of opinion, and it would be premature at present to say whether he could bring in a Bill dealing with it this Session.

IRISH LAND ACT, 1870—THE 12TH CLAUSE.—QUESTION.

MR. M'MAHON (for Mr. M'CARTHY DOWNING) asked the First Lord of the Treasury, Whether he is aware of steps having been taken by one of the largest Proprietors of Land in Ireland, to induce or coerce many of his tenants to enter into contracts in writing, by virtue of which they would not be entitled to make any claim for compensation under any provision of the "Irish Land Act of 1870;" and, whether he is aware that decisions have been made that a tenant who, after his tenancy had been determined by a notice to quit, entered into new terms pursuant to the proviso in the 18th Section, thereby forfeited all claim to the improvements made by him previously to the new tenancy; and, if so, whether it is the intention of the Government to apply to Parliament to amend the Act, by repealing the 12th Clause, and otherwise as may be necessary?

MR. GLADSTONE, in reply, said, that this was a question of some intricacy, and upon which a good deal depended with regard to the satisfactory working of a most important law, and he greatly regretted that the hon. Member for Cork (Mr. Downing) was not in his place to put the Question, because he would rather have said in his presence what he felt compelled to say in his absence respecting the former part of his Question. He was greatly indebted to the hon. Member for Cork for the manner in which he had exercised the influence he possessed at the time of the discussion on the passing of the Irish Land Act, and he also conceived that the Irish Members had contributed a great deal to the acceptance of that measure. But these circumstances made him regret very much that the hon. Member should consider the conduct of a particular landlord in Ireland, who was one of the most respected landlords in Ireland, a fitting subject for inquiry in that House. No one could think that the landlord in question had gone beyond either the letter or the spirit of the discretion which had been intrusted to him by the Act. He should have been loath to answer the question with regard to the Duke of Leinster had it not been that he had received from his son, Lord Kildare, by telegram, a short statement of the facts, which he thought he had better read to the House, with only one or two verbal changes, which he thought would make the matter more intelligible. It was as follows:—

"No tenant has been requested to sign a new agreement, except when the old one had expired or a new valuation was necessary. No tenant has been debarred from compensation where the holding was under £50 valuation; nor, in the case of large farms, has any tenant been excluded from compensation"—

that was to say, had been excluded from prospective compensation—

"under the new agreements for improvements made with the landlord's consent;"

the landlord's consent was prospectively required with regard to certain leases about to be made of holdings above £50 per annum.

"No tenant has been debarred from compensation where the holding was under £50 per annum for improvements effected before the signing of the new agreement, to which he would have been otherwise entitled, in the very few instances where such improvements have been made by the tenant."

And he might add, that he had been informed that upon the extensive property in question there were only about five or six cases where any comment had been made; and of those five or six cases, if he was rightly informed, and he ought to be rightly informed, all excepting one had concluded the new leases, and the other was still pending, not upon the question of the terms of the tenancy under the Act generally, but upon the question of the amount of the rent. So much for the particular circumstances of that case. With regard to the principle upon which the Act proceeded, he might remind the hon. Gentleman that in the discussions in that House on the Irish Land Act they had arrived at the conclusion that for many important questions the line ought to be drawn at £50 rental; that under £50 rental certain claims should exist, and that the tenant should not be permitted to contract himself out of the Act, because the House did not think that he had sufficient independence to enable him to contract fairly with his landlord. But above that line the House thought that the tenant was able to hold his own against his landlord. What had been done in the cases referred to by the hon. Member for Cork was within the letter and spirit of the Act. Then as regarded the second part of the hon. Member's Question, he did not think that it would be convenient for the House that he should enter into a discussion as to the exact nature and effect of the judgments that had been given. Suffice it to say that two views had been taken, and that the Act as it stood did not correspond with either extreme view. He believed he was right in saying that in "another place" an attempt had been made to amend the Act by introducing provisions to validate any contract whatever, irrespective of the nature and extent of the holding, to exclude all claims on the part of the tenants for compensation for disturbance. If he understood the view taken by his hon. Friend, he advocated, on the contrary, that whatever might be the nature of the holding, no man should be permitted to make a contract excluding his right to make a claim for compensation for disturbance. The Act did not concur with either of those extreme views. It drew a certain line, and there was no reason to believe that that line had worked unsatisfactorily; and therefore he could say very distinctly that it was not the intention of the Government, as at present advised, to apply to Parliament to amend the Act by repealing the 12th clause of the statute. It would be exceedingly mischievous if any doubts were to exist as to the intentions of the Government on the subject. The Government did not intend to propose themselves, nor would they regard favourably any proposal from others, for amending the Act in accordance either with the views of the hon. Member, or with those in an opposite sense which had been expressed elsewhere.

CENTRAL ASIA—BOUNDARIES OF THE AFGHAN STATES.—QUESTION.

SIR JAMES ELPHINSTONE asked the First Lord of the Treasury, Whether, having regard to the political complications which have resulted from the adoption of unknown and undefined boundaries in the cases of Nova Scotia and Origon, he would take steps at once, in conjunction with the Governments of St. Petersburg and Cabul, formally to define the limits of the Afghan States by actual survey and examination; and to cause such survey to result in a map, and topographical description of the line, as it may be finally ascertained and agreed on, which may be referred to should difficulty arise at any future time?

MR. GLADSTONE: If there were likely to be any difficulty in the case to which the Question of the hon. and gallant Baronet refers—which, as at present advised, I do not believe—I am afraid that it would not be easy to bring about a joint triangular survey of the limits of the Afghan States, between Russia, England, and Cabul. But I will also point out to the hon. and gallant Baronet that really when we speak of Central Asia, and deal with land boundaries, it is hardly possible to expect that definitiveness of territorial limitation which we should be able to attain in civilized countries. I have heard the argument seriously urged, that where Abraham erected an altar it was perfect proof that he possessed landed property. But I do not think you can make an argument of that kind serve with respect to Central Asia. I should doubt very much whether, in the whole of Central Asia, the hon. and gallant Baronet could discover any accurately drawn land boundaries; and any attempt to do what is not agreeable to the usages and customs of the people would not be likely to succeed. So far as this case is concerned, we believe that the whole question for every practical purpose is settled by the fact that the boundary is a river boundary. What boundary that is, or whether it has been rightly or wrongly taken, is another matter, and one into which I cannot now enter; but that is the belief which we entertain, and consequently no difficulty whatever is likely to arise.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

ARMY—LENGTH OF SERVICE OF REGIMENTS IN INDIA.—RESOLUTION.

COLONEL BARTTELOT rose to call the attention of the House to the length of Service of Regiments in India, and to move, "That, in the opinion of this House, such service ought to be shortened." An appeal had been made to him on the part of the right hon. Gentleman the Secretary of State for War to forego the privilege of now addressing the House in order to allow the House to go into Committee of Supply so as to enable him to make his statement on the Army Estimates. He must remind the right hon. Gentleman that he (Colonel Barttelot) was but a very humble Member of the House, and was bound to conform himself to its Rules; whereas the right hon. Gentleman was at liberty to address it on all occasions. He thought he was perfectly justified, on the Motion for going into Committee of Supply, to bring forward what he believed to be a great and crying grievance. If this question did not involve the life and health of many of our soldiers in India—if it were merely a money question, or anything of that kind, he might well have deferred to the wishes of the right hon. Gentleman; but as the health and well-being of our Army were concerned, he must say that he was the last person who would shrink from bringing forward their grievances. It might be in the recollection of many hon. Members that on the 13th instant he asked the right hon. Gentleman whether it was his intention to shorten the time of service of regiments in India in consequence of his short-service system. The answer was a very simple one—no; but that, whilst the rank and file were to have short service, it had been arranged with the Indian Government that the officers and non-commissioned officers should remain in India for 12 years. That was an extraordinary statement, because now the service was only 10 years in the Infantry, though it was true that in the Cavalry it was 12 years. Many of his friends understood the matter in a different way; they said that the Secretary for War was going to alter his proceedings in reference to short periods of enlistment, and that the men were to go to India for 12 years. He (Colonel Barttelot) said no, because such an arrangement would destroy the Reserve at home, because it would deprive it of nearly half the men who should have gone into it. He must take it that the men were to be relieved on the short-service system in India; and he should wish to make some observations in reference to the expense, and also to express his fear that the *esprit de corps* of the regiments would not be improved by the regulations made. He would further ask, could it be just that the officers and non-commissioned officers should remain in India for 12 years, whilst the men were only to serve there for six years? Lastly, he should have to advert to the consequences to the health and the lives of the troops serving in India. Now as to the expense. They all knew that the expense of conveying troops to and from India was very great; but he thought that he could show that under a system of shorter service this expense would not be greater. His (Colonel Barttelot's) proposition was that no regiment should serve in India longer than five years. We had now 62,965 men in India. It would take about 12,600 men per annum to relieve them in five years. He proposed that the right hon. Gentleman should alter for the Indian service the term of enlistment. Why should not men be enlisted in this country to serve for a certain period here first, and then go to India for five years with their regiments and return with their regiments? If we increased the men 10 per cent above the number required to go to India, there would be no occasion for reliefs to go to India while their regiment was there. They would naturally decrease while they were in India, and when they came home they would be able to go into the Army of Reserve. He had authority for saying that it would only take 12,600 men to relieve the Indian regiments, they serving there for only five years. He held in his hand a Return asked for by his late lamented Friend the Member for Liverpool (Mr. Graves), whose loss was regretted equally on both sides of the House. It was a Return of Navy Transports, which was ordered on the 23rd of May, 1871. A later Return had not yet been presented, although it was moved for in April last year. The Return which he held in his hand showed that in the year 1867-8 18,410 persons were conveyed to India and back; in 1868-9, 18,141; and in 1869-70, 25,439; making an average of more than 20,000 troops—including women and children—conveyed during the year. That would, anyone would say, be amply sufficient to relieve the Army in five years. He thought the expense of so relieving the Army would not be greater than it was under the present system. It must be recollected that we did not now sail round the Cape. We had the Suez Canal, and the expense of carrying troops to India was only £19 4*s.* per head, including officers, whilst for privates alone it was little more than £14 per head. His hon. Friend the late Member for Liverpool had said that the Mercantile Marine were prepared to do that service at a far less sum than the Government transports cost. In former times it used to be calculated that to take a man to India and place him there cost £50. Under the proposed system he would take the women and children at 1,400, instead of at the present figure of 3,000. If they sent out younger men, there would be fewer of them who would be married. It was the old soldiers, as a rule, who were married; and, as he had said, there would be fewer women and children, and anybody who had seen those classes of persons in India would think that a great advantage. There was a pamphlet which had been published by an hon. and gallant Officer who was also a distinguished soldier, who calculated by a five years' service in India they would save on conveyance of troops, in depôts in this country, and under the head of women and children, and women's quarters in India, in all £314,600 per annum; and it seemed that the writer had rather understated than overstated the amount. His (Colonel Barttelot's) scheme for the relief of the regiments in India would effect a saving of £40,600 as compared with the scheme of the right hon. Gentleman. That he believed in no way overstated the case, so that there was a large margin to cover any additional expense which might be incurred by more frequent transports. But even if the short-service system advocated caused additional expense, that expense could not be placed in competition for one moment with the health and lives of the soldiers. It should not be forgotten, in considering this matter, that as men were enlisted sometimes at 17 and were not sent to India until they were 20, three years out of the six would be gone before their Indian service commenced. That being so, how often would troops have to be relieved in India under the present circumstances? The *esprit de corps* of the regiment would be fostered also by the system he proposed. Those having personal experience of the Army knew perfectly well what was meant by a regiment in good heart, a regiment whose officers knew their men and whose men knew their officers—a regiment prepared at all points, anxious to be led before the enemy, and inspired by a desire for distinction. Such regiments might be preserved if they went out bodily to India with all their officers and men intact, and remained there for five years. He would appeal to the Surveyor General of Ordnance (Sir Henry Storks) upon this point, for he, at least, knew what the value of *esprit de corps* was. How different would be the case of a regiment with its officers remaining out there for one period and the men for another, and the men being sent out in driblets to be absorbed there into the body which had already acquired the indolent habits which were consequent upon serving in a tropical climate. How preferable would it be for the whole body to go out together fresh for their work. In the first five years of a soldier's life in India he was far fitter to do his duty than he would be afterwards. It could hardly be said that it would be better either for officers or men to remain in India for a longer period than five years. The statistics showed clearly that the longer a man remained in India the worse it was for his health. Those diseases that permanently disabled a man did not come on suddenly, but they did come on as years passed by, and every year, after a certain time, was most detrimental to health. The writer of the pamphlet to which he had already referred said that under the present system the proportion of troops invalided was about 5 per cent per annum, whilst under the five years' system it was estimated that it would be only 3 per cent. Now, would it not be a great thing if they could save so large a percentage of men sent home invalided? The number of men saved by such a decrease would be 1,250 per annum, and surely that was worthy of their consideration. The death-rate the same writer fixed at 2 per cent, instead of 3¼. Would it not be worth while to try a system which there was good reason to believe would save 1 per cent of the lives of our soldiers in India, or 620 men per annum? Much sympathy was exhibited on the occasion of shipwrecks of any magnitude; but here was a loss of life which was positively appalling when it was known that a change of system might prevent it, without causing any counterbalancing hardship, expense, or inconvenience. But the evil as regards the men was small when compared with the position of the officers. If five years' service was proved to be as much as an Englishman could stand in India without detriment to his health, what could be said of the case of the officers, who were bound to serve there for 12 years, while the men were in some cases able to return home in three, or, at the most, six years. The writer of the pamphlet from which he had quoted estimated that there would be a reduction of 22 per cent in the regiments upon short service, so that a regiment that went out 810 strong would return 624 strong, and this seemed to be a very fair estimate. He (Colonel Barttelot) doubted whether, under the present system, the regiments were ever so strong as that during their last year's service in India. The ill-effects of the long-service system were forcibly shown by some statistics respecting the stay of the 38th Regiment in India, which he would gladly place at the disposal of any hon. Members who desired to examine them more closely. In order to keep up the strength of the regiment no fewer than 73 officers were sent out to it between 1857 and 1871, when the regiment returned home. The strength of the regiment in 1857 was 1,061, of whom 45 were officers. During the time it was in India the regiment was increased by 1,351. Between 1857 and 1871 it decreased by 1,781, and in the latter year embarked for England 647 men, 69 women, and 85 children. One officer and 78 men, or about 7 per cent of the number who went out, were all who left this country and returned with the regiment to England. This was a fair sample of what happened in other regiments, for he was recently told that the number of men who returned to England in the 3rd Battalion of the Rifle Brigade, which was absent for 15 years in India, would not average 7 per cent of the men who went out. As to the sanitary effect of the scheme he proposed, most people believed that young soldiers died off more quickly than older men in tropical climates. But the Army Medical Blue Book of 1870, confirmed as it was by other medical reports, showed that in India soldiers died at the following rates:—Under 20 years, less than 1 per cent; from 20 to 30 years, less than 2 per cent; from 30 to 35 years, 3 per cent; from 35 to 40 years, 4½ per cent; and over the age of 40, 7 per cent. Thus it seemed that the longer men remained in India the more liable they were to disease; that there was no advantage in keeping old soldiers in India; and that the average of health decreased every year, while mortality and invaliding increased. Now, if by the system he proposed — namely, the five years' system — the death-rate could be decreased by 1 per cent, and the invaliding by 2 per cent, they would certainly have done something not unworthy of the House of Commons. He knew there was a difficulty with the right hon. Gentleman opposite—one arising between the War Office and the India Office. That difficulty developed itself in red-tapism, with which those establishments were eaten up. He hoped that they would soon see much less red-tapism than at present existed in those Departments. He thought he had shown that his system would not cost more than that of the right hon. Gentleman; that the existing system was bad for the *esprit de corps*, and for the regimental system at home and abroad; that it was a gross injustice to officers and non-commissioned officers; and that on sanitary grounds they ought not to be kept in India one day longer than was necessary for the welfare of the country. He would appeal to those hon. Members below the gangway who came down there night after night for the purpose of abolishing flogging and branding in the Army, and he would ask them whether they would not also do something for those good soldiers who had served their country long and faithfully in the distant clime of India. He would appeal to those who had wives and children, and ask them whether they would like to keep those gallant men one day longer in a tropical climate than was absolutely necessary. He would appeal to the British House of Commons, and pray them to remember what that Army had done for this country, and he believed were prepared, if necessary, to do again for that very country of which they were just talking, to remember what the Army of the present day had done in the case of the Indian Mutiny. He would appeal, in fact, to all men who had the interest of the British soldier at heart, and he believed that that appeal he should not now make in vain. The hon. and gallant Member concluded by moving his Resolution.

CAPTAIN TALBOT rose to second the Motion of his hon. and gallant Friend. He divided the subject into three heads —cost, sanitary considerations, and efficiency; the last of which, he maintained, was of the greatest importance. He believed that if he could prove that the sanitary condition of the Army and its efficiency would be improved, that the House would not shrink from a greater cost; but it was his belief that a positive economy might be effected. He had moved for a Return which would show the strength of all regiments in India at the time of their departure for that country, and during every year to the present time; the number invalided year by year, and the draughts sent out to replace them. This Return would show that, in the latter half of the service of regiments in India, by far the greater proportion of invalids were sent home; and that year by year the numbers of invalids increased. The right hon. Gentleman had introduced a system of short enlistment; and he wished to know how that system would work with long service in India. But first, he wanted to know whether short enlistment was a reality or a sham; whether it was such a success in the promise of providing an adequate reserve—not a miserable 30,000 or 40,000 men, but numbers to fill up our battalions to a war strength, and keep them up to that strength in war—as to justify the deterioration in the quality of the soldier, which, with short service in the ranks, was more or less inevitable? If it did promise such success, and it was determined to carry out the system, how would it work with long service of regiments in India? With reliefs every 12 years it might be necessary to renew a great portion of regiments three times in that period. A recruit enlisted at 18, but was not to be sent to India until 20; and, consequently, he had only four years out of his engagement to serve there. His place was filled by another recruit, and again at the end of the eighth year by a third. This, however, applied only to the rank and file. How about the non-commissioned officers and officers? That these latter should be called upon to serve in India for 12 years, while the rank and file were constantly changing, was manifestly wrong. He appealed to the House, not on behalf of the rich officers or of those in high positions, but of the poor men—the class of men that the Secretary of State had often expressed his wish to encourage to join and remain in the service—who could not afford to go to England on six months leave, or even to the Hills; but were compelled to swelter year after year in the plains. He knew of many such instances. The possibility of exchanging was much diminished, for men would not often exchange to India without some money compensation. There was another point to which he felt bound to allude, however delicate the subject might be. The State was a gainer by the death of every officer—directly as regarded those who had purchased, indirectly as to those who had not bought their commissions—because deaths and invaliding made a flow of promotion, which otherwise would have to be stimulated by money retirements. Although no Government could be influenced by such a motive, it should be doubly careful that it could never be said that the State was careful to preserve the lives of those in whom it had interest — the soldiers—while it was not so careful of those by whose sickness or death it had to gain. But short enlistment was not universal in the Line, and did not exist in the Cavalry and Artillery. Cavalry did not have the benefit of hill stations; and he considered it a great hardship that their service in India had not only not been reduced, but actually increased from 10 to 12 years. Almost all authorities agreed in recommending short service, especially Lord Hardinge — than whom no one had greater experience: Sir Henry Durand, Sir David Wood, Lord Mayo — whose loss they felt day by day — advocated what seemed most feasible—relief by battalions instead of by draughts. That was the plan he (Captain Talbot) recommended—sending out battalions up to a full strength of 1,000 or even 1,200 men, and letting it decrease to, say, two-thirds of that number, and then relieving it by another battalion. He had only heard two objections—that they would have "young regiments" and unequal battalions. Young regiments! What had they now? What was the 65th Regiment, of which the right hon. Gentleman told the House two years ago that two-thirds of the men were under 20 years of age? As to unequal battalions, he maintained that if they were composed of men of under six years' service in India they would keep their average strength, under hardships and exposure, far more than would battalions composed of men of 10 or 12 years in India. That was what was required—not a mere nominal equality of strength, but a strength that could be relied upon when called to take the field. He would say nothing upon the reduction of expense in depôts, and in the very great saving by a reduction of women and children—his hon. and gallant Friend had touched on those points. But he would say one word as to the expensive mode of conducting reliefs. The Transport Committee recommended the Government to rely "more and more upon the Mercantile Marine;" instead of which they had established a great and expensive system of relief by troop-ship. The cost per head was £19 each way; while by employing ships that carried freight the amount would be reduced by one-half. He admitted the value of having some troop-ships, and the great comfort to the men; but he doubted the expediency, on economical grounds, of conducting the whole system of relief by them. Local allowances might be reduced: he saw no reason why, if a short service only was required, they should be greater than in Ceylon or in other Eastern climates. So much for economical considerations; now for those of life and health. All medical authorities agreed that, as a general rule, the longer men stayed in India the greater was the deterioration in health and strength. The Royal Sanitary Commission of 1859 was not asked to consider the question of short service; but the evidence taken by it was conclusive as to its advisability. It reported that the mean time of service in India was 8·6 years—that 11 recruits were annually required for 100 men. The Report of the Commission of Organisation of the Army in India gave a Return showing that the rate of exhaustion was 10 per cent annually. In evidence before the Transport Committee, Colonel Gordon stated that men were practically changed twice in 10 years. There was testimony to the same effect by Sir David Wood, who advocated regimental reliefs quinquennially, who was satisfied that much of the present sickness and inefficiency in the Army was connected with a defective system of relief. But the annual Army Medical Report of 1870 gave figures that were quite conclusive to his mind. In the 10 years, 1860-69, the admissions to hospital were 1,591 per 1,000; constantly non-effective, 62 per 1,000; deaths, 27 per 1,000; discharged as invalids, 18 per 1,000; total deaths and discharged as invalids, 45 per 1,000. In healthy districts in England among men of soldiers' ages the death-rate was 8 per 1,000 — in unhealthy trades and districts, 12 per 1,000. There was a table showing the ratio of deaths to age in India—Under 20 years of age, 8 per 1,000; under 25, 17 per 1,000; under 30, 19 per 1,000; under 35, 30 per 1,000; under 40, 44 per 1,000; under 45, 68 per 1,000. It was admitted that the effect of climate was far greater upon men dispirited and discouraged, which was often the case, who looked forward to years in India with the knowledge that they could not get home except as invalids—engendering a wish, which was often father to the disease, that they might become invalids. Then he arrived at the most important point—the effect upon the efficiency of the Army. This long service in India had a deterrent effect in obtaining recruits—it prevented men re-enlisting. It induced all who could get the money to purchase their discharge. It was a cause of much desertion. A few years ago, when a distinguished regiment was under orders for India—a regiment second to none in *esprit de corps* and in devotion to its colonel—every man approaching the completion of his first engagement, and others, who applied to purchase their discharge, were appealed to by the colonel not to leave the regiment. With hardly an exception they refused; stating that they would have been glad to go out with the regiment for a few years, but the prospect of 10 years—which would complete their total service in the Army—was too much for them. Was that conducive to the efficiency or popularity of the service? It was impossible to deny that a regiment arriving in India with the knowledge that in six years it would be at home again—not as driblets of invalids, but as they went out—a regiment—would be in a far more satisfactory condition than one depressed with the knowledge that one by one—as invalids or time-expired men—they were to come home; and that at the end of the service the regiment would hardly have a man who went out with it. What was the encouragement to officers or non-commissioned officers to keep up the drill, discipline, and appearance to the high standard expected and obtained in England? The appearance and condition of regiments on their return proved this — they required years often to recover from the habits contracted in, and inseparable from, a military life in the tropics. The late Sir James Graham, in one of the last public acts of his life, expressed his opinion before the Transport Committee—

> "That it was a military question of the greatest importance: though, of course, the more frequent the reliefs, relatively may be the expense: but as regards the *morale* and efficiency of the British Army, I am persuaded that these regimental reliefs must be frequent."

Sir David Wood, in evidence before the same Committee, observed a remarkable contrast between draughts and entire battalions. The former invariably arrived at Allahabad—where he was Commandant during and after the Mutiny—disorganised and sickly; and many were soon sent back to the hospitals. On the other hand, battalions arrived, for the most part, in good health and discipline, went to the front, and their men were not seen again. He admitted the difficulty of arranging a new system of reliefs, which must be done gradually; and he also acknowledged the great benefits and reforms that had been effected in the condition of the soldier, especially with regard to hill sanitaria; but a great deal remained to be done. Some might say that this was not a question for the House of Commons, but it was so of all others; for, while every consideration pointed to the advisability of shortened service, the authorities were afraid to recommend it on the score of expense. It required pressure from the House of Commons. If the right hon. Gentleman thought the evidence incomplete, let him give a Committee or a Royal Commission. No inquiry had been made for years, and evidence accumulated year by year. While they indulged in the luxury of somewhat romantic philanthropy all over the world, from Fiji to Zanzibar, it did seem somewhat inconsistent that they annually sacrificed perhaps double the number of lives that were necessary. He trusted the right hon. Gentleman would give a satisfactory reply to the case made by his hon. and gallant Friend; but, if not, he should not cease to urge this subject upon the attention of the House—not in any spirit of obstinacy, but from a firm conviction that the course of policy he had pointed out was one founded upon principles of humanity and expediency, tending alike to the efficiency of the Army, and to the advantage of the nation.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the term of Service of Regiments in India ought to be shortened,"—(*Colonel Barttelot*,)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. CARDWELL: It is quite true that I assured the hon. and gallant Member who introduced this subject that he would have an equally good opportunity of bringing it forward on another occasion; but it was not for the convenience of myself, but because I thought the whole House would be desirous of proceeding at once to the statement of the Army Estimates and the consideration of the general question. The hon. and gallant Member may rest assured that he does not differ from Her Majesty's Government in his estimate of this question as far as it is a question of the health, life, and comfort of the soldier. He has stated very justly that that ought to be the governing and principal consideration. The hon. and gallant Member stated, if I understood him correctly, that the mortality at present in India is 3¼ per cent, and that he proposes a plan by which he will reduce it to 2 per cent. Well, if I can show the hon. and gallant Member by the latest Returns I have received that he is entirely mistaken in his facts—that the mortality has been less than 2½ per cent during the last 10 years, and that during the last year of which I have any record it has been less than 2 per cent—less than the amount to which he proposes to reduce it—then I hope he will not be disinclined to admit that his sheet-anchor has failed him, and that the great argument—one I shall certainly never dispute—from the mortality of the troops has entirely failed him. Sir, I hold in my hand a Return, which was signed by the Director General of the Army Medical Department on Saturday. It is headed—"Table showing the sickness, mortality, and invaliding per 1,000 of mean strength of the European troops serving in India during the ten years, 1862-71"—a period later than the statistics to which the hon. and gallant Member referred. The year 1872 was an exceptional year, when the high ratio of deaths compared with that of 1871 was the result of epidemic cholera in Bengal, which in the ten months, January to October, caused 529 out of 860 deaths reported. But the table I hold in my hand says that there died, per 1,000 of mean strength, upon the average of 10 years—1862-1871—24·44, which the House will perceive is less than 2½ per cent, and in last year—for the tendency is rather to improve—in 1871, the ratio was 18·73—that is less than 2 per cent, the amount to which the hon. and gallant Member proposes to reduce it. I have not yet the Returns for 1872. I have said that I believe if I had they would be disturbed by an epidemic; but I quote the last Returns in my possession. The hon. and gallant Gentleman who seconded the Motion (Captain Talbot) discussed a little the Purchase question, and also the question of the Army Reserves. I hope he will not consider it discourteous on my part if I now decline to follow him, being anxious that the House should go with as little delay as possible into Committee on the Estimates, when I shall have an opportunity of answering the question the hon. and gallant Member has put as to the Reserves. The hon. and gallant Member who introduced the Motion put the case of the 38th Regiment, which, he said, had been 14 years in India. [Colonel BARTTELOT: More than 14 years.] Well, then, in fixing 12 as the future period for the residuum of the head quarters in India, I am introducing no innovation. The hon. and gallant Member referred to statistics of the sickness and mortality of the Army in India, and he dwelt upon what he called the excessive expense of the troopships. Now, it was evident that if a large proportion of the men were sent home, a smaller proportion would remain in India with the head quarters. What had been actually the case in this respect? The Director General says—

> "The table shows a marked increase in the proportions of men sent home as invalids from India during the last eight years compared with the previous periods, but unaccompanied by any increase in the proportion discharged the service, after their arrival in England. The increase has arisen from the greater facilities afforded for sending men home by the troopships, and the result of it has been the saving of many men to the service who would otherwise have probably died. The proportion sent home has been one-third more than formerly. The proportion finally discharged has been rather under that of previous periods if 1870 be omitted, when it was increased by the results of the epidemic fever in the 21st Regiment at Kurrachee. The improvement in the health of the Army may be estimated from the following comparison of the sickness and mortality of the European troops (exclusive of those in the service of the Honourable East India Company) from 1838 to 1856 inclusive, with that of the period 1862-71. From 1838 to 1856, the ratio per 1,000 of mean strength admitted into hospital was 1,991, while there died, exclusive of those killed in action, 66·90. From 1862 to 1871 the ratio per 1,000 was 151·24, and the death-rate, exclusive of those killed in action, was 24·44."

It is not true, then, that by any arrangement we have made we have increased the mortality in the Army. The truth is all the arrangements have tended exactly in the opposite direction. What have those arrangements been? In the first place, we have introduced short service; and, in the second place, we have introduced the system of linking battalions together, in order that some might serve in India and some at home. I shall, when the House is in Committee, have the opportunity of explaining the system under which officers appointed in future would be enabled to exchange without losing their places on the rota. There is no sort of difficulty in finding officers to go to India, for the service is a popular one. The effect will be this—An officer is no longer obliged to leave the service if unfit to serve in India; but he returns home, takes his place in the sister battalion for which he might very well be competent; while another takes his place in India to whom service there is agreeable. By this self-acting process the climate suits itself to the constitution of the individual. In addition to this reduction in the sickness and mortality, there has been a great reduction in the proportion constantly non-effective from sickness. This was shown in the Report of the Royal Commission on the sanitary state of the Army in India to have been 84 per 1,000 of the strength prior to 1860, while in 1870 it was only 58 per 1,000. The House must not be led away by the notion that this is a question of long or short service in India. It is a question, not of length of service of men, but simply of the head quarters of the regiment. I put it to the House whether I have left the hon. and gallant Gentleman's statistics standing, or have overthrown them? If I have overthrown them as regards health, how can he expect me to go through those statistics of finance which he read from the same pamphlet? I do not know who was the author of the pamphlet, and I decline to accept those statements at demand. These are questions of Indian finance, which do not fall under my administration. All I can say is, if the hon. and gallant Gentleman will convince either the India Office or the Committee of this House which is about to discuss Indian military expenditure that his statistics are accurate, they will be very happy to accept and act upon them. As far as the Government is concerned, we have arranged with the India Office that the head quarters of a regiment shall remain in India 12 years; that the men who have enlisted for a short service will never, unless they choose, serve more than six years, and that the officers will have an opportunity of exchanging, and no difficulty in so doing. The non-commissioned officers and men will have the opportunity of volunteering for another term of service. I submit that I have answered the hon. and gallant Gentleman as far as health is concerned; and I venture to differ altogether from his statements on finance, which, however, he will have an opportunity of substantiating. I have shown that, instead of lengthening the continuance even of the head quarters of regiments, we have reduced and made certain that which was uncertain. I have in my hand statements showing that regiments have remained upwards of 17 years. We have reduced it to a fixed system, by which the head quarters will be regularly relieved at the end of 12 years, and by which neither officers nor men will be compelled to continue for any period injurious to their health and strength.

COLONEL STUART KNOX said, the Secretary of State for War had wished to put aside the Motion of his hon. and gallant Friend in order that the House should have an opportunity of hearing the official statement with regard to the Army Estimates; but surely the life and health of the officers and men who served in India were matters of equal, if not of more importance than the statement referred to. Now, he had himself served in India, and had seen some officers and men sicken and die, while others who could afford to pay for exchanges were able to return home. It was absurd to say that exchanges could still be made as heretofore. Neither the Controller General nor himself would ever have gone to a bad climate if they could have helped it. It was unjust to send to India for 12 years officers who had paid for their commissions. It was true that under the old system a regiment sometimes in the interests of the country remained 15 or 20 years; but this did not rebut the general rule that infantry regiments stayed 10 and cavalry 12 years. He trusted the right hon. Gentleman, who had unintentionally made the officers suffer sufficiently in other ways by his arrangements, would reconsider the question before he practically lengthened the term of service in India.

COLONEL GILPIN maintained that the right hon. Gentleman had failed to show the compatibility of short enlistment, and an Army of Reserve with long service abroad. He was anxious for a strong Reserve; but a third of the Army would be in India, and on the long-service system he would lose a third of his Reserves. He was always adverse to the short-service system, because he did not believe that a sufficient number of men could be obtained in order to efficiently carry it out. *The Police Gazette* would lead to the inference that, though recruits were obtained, they could not keep the men, in consequence of desertions being so numerous. They were told that recruits not only came in, but that they found their depôts without the escort of the sergeant; but, in reality, they had not done so. Men would not devote the best years of their life to the Army unless with a retiring allowance to look forward to, and it was this which under the old system induced men to serve 20 years in India.

COLONEL CORBETT questioned the advantage of keeping head quarters stationary, which were numerically small, and of letting the bulk of the men move. Unless the right hon. Gentleman the Secretary of State for War could show that the mortality and sickness of the troops could not be reduced, his hon. and gallant Friend's (Colonel Barttelot's) statistics would practically pass uncontradicted. He was at a loss to understand how, with the short service of the men, they could carry out with advantage the long-service period of the regiment. He did not see how with affiliated battalions the system could work otherwise than awkward; because if both were abroad, the system adopted for keeping up the strength must be broken through. His hon. and gallant Friend deserved great credit for bringing the subject forward.

GENERAL SIR GEORGE BALFOUR said, he wished to keep distinct the question of the officers and that of the men. With the latter Indian service had always been exceedingly popular. The Royal Commission of 1859 distinctly reported that the Artillery and Indian services were very popular, and the Commission of 1866, of which he was a Member, also reported that recruits for India could always be obtained. While during the Crimean War the force for that service could never be raised above two-thirds of the establishment, yet during the Indian Mutiny men flocked to the regiments, raising the force in a very short time to the full complement. The House should remember that no regiment is ever ordered home from India without the men being called upon to volunteer to remain behind, and it was notorious that from one-third to one-half of the soldiers invariably offered to do so. The service, in fact, was popular, because nowhere were private soldiers better cared for than they were in India. Among other things, they had splendid barracks, which had been built at an expense of not less than from £250 to £400 per head. It was but just to acknowledge that the right hon. Gentleman the Secretary of State for War, having reduced the number of companies in India from 520 to 400, and the number of troops of cavalry from 77 to 54, thus enabling nearly 500 officers to come home, had done essential service to both officers and soldiers, as well as to the finances.

SIR JOHN PAKINGTON said, as this was a most important question, affecting the welfare and efficiency of the British Army, he could not be surprised that his hon. and gallant Friend should have felt a desire to bring it before the House in a separate and distinct form, rather than have it mixed up with the general statement about to be made by the right hon. Gentleman the Secretary of State for War. The subject was so mixed up with the question of short service, and, above all, with the new question of linked battalions—as to which he looked forward with interest to the statements about to be made by the right hon. Gentleman—that he hoped his hon. and gallant Friend would not think it necessary to divide the House on his Motion. However desirous they all were of hearing the statement of the Minister for War, he could not but think that his hon. and gallant Friend deserved credit for bringing the subject involved in his Motion under the consideration of the House.

COLONEL BARTTELOT, after the appeal from his right hon. Friend, said, he would consent to withdraw his Motion; but on the understanding that he would bring the question on again should the statement of the right hon. Gentleman the Secretary of State for War not be satisfactory as to the linked battalions, and other matters.

Amendment, by leave, *withdrawn.*

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—ARMY ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

MR. CARDWELL: Sir, the gracious Speech from the Throne has already informed the Committee that the Estimates which, on the part of Her Majesty's Government, it is now my duty to submit to you have been

> "Framed with a view to the efficiency and moderation of our establishments, under circumstances of inconvenience entailed by variations of an exceptional nature in the prices of some important commodities."

I hope I shall be able to show you that these Estimates have been prepared in such a manner as to secure that efficiency and moderation, and I am sure I shall show you that we have incurred considerable difficulty owing to abnormal fluctuations in the prices of important stores. Sir, the total amount of the present Estimate is £14,416,400. The saving upon the Estimates of last year is £408,100 to be added to the saving on those of the previous year of £1,027,000. But, Sir, in making this comparative statement of expenditure, I wish to prefer a claim to be allowed to add, in reference to the saving I have already mentioned, this consideration — namely, that my right hon. and gallant Friend who sits beside me (Sir Henry Storks) has been compelled to include in the Estimates which have been prepared under his immediate control a sum of no less than £400,000 on account of the fluctuations in the prices of fuel, provisions, and clothing, and various other articles for which he has undertaken to provide. That does not include the additional cost which may fairly be charged upon the Vote for Works and Buildings. That is not quite so easy to estimate; but the estimate given to me is £50,000. The Committee will observe, therefore, that the amount which might have been saved if prices had remained in their normal condition —had we had to deal with them under the circumstances which existed two years ago—would have been double that which is stated on the face of the Estimates. These, however, may be but occasional charges, and future years may bring us back to the ordinary state of prices. But in the course of what I shall have to lay before you, it will be my duty to propose a sum of £55,000, which will be in the nature of an advantage to the soldier in the arrangement of his pay, and that, if you provide it, will be a permanent charge. My right hon. Friend at the head of the Government stated the other evening that he believed the saving in the Estimates for the two great services—the Navy and the Army —would amount to £500,000 sterling. My right hon. Friend was within the mark. I do not know, of course, what the effect upon the Navy may have been; but I have shown you a sum equal to that stated by my right hon. Friend in this Estimate alone which it is my duty to introduce to the Committee. If you admit that the claim I have made is just, and if, in making a comparison with former years, you permit me to add those sums to the other savings I have mentioned, then we ought to have credit for retrenchment to the amount of £1,940,000 in the two years, or, in round numbers, of £2,000,000. I hope, Sir, that will satisfy those who are most desirous of retrenchment of expenditure, that those Estimates have not been prepared without a careful regard for that important object.

I now wish to make a comparison with a year which I believe was the lowest in point of expenditure of any year since the Crimean War—namely, the first year in which I had the honour of holding my present office. I have before me a statement of what turned out to be the ultimate net expenditure of that year, and it was a peculiar one; because, as my hon. and gallant Friend the Member for Kincardine (Sir George Balfour) knows, there were many and important questions before us at that period which could not be settled owing to the anomalous state of invention at that time in respect of the armaments on which our Army depends. The total net expenditure was £11,972,100—omitting, of course, arrears of Abyssinian expenditure—and the net expenditure in the Estimates I have now to lay before you is £13,231,400, leaving, in round numbers, a difference of £1,250,000. I have already accounted for £500,000 by the rise in the scale of prices, which it was impossible to foresee or avoid; and with regard to the £750,000, that amount has been more than absorbed in those additions which have been made to the more highly trained and costly services—the Artillery, Cavalry, and Engineers, and to the Militia—which I think I may say the whole House and the whole country insisted should be placed in a condition of adequate efficiency. Such is a comparison of the Estimates I now lay before the Committee with those of that year, which I believe was the lowest in point of expenditure of any which has occurred since the Crimean War. But you must bear in mind that to compare an Estimate with the actual amount expended is a very disadvantageous comparison; for in every year which has happened since I have had the honour of being in office the actual expenditure has fallen considerably short of the Estimate which was laid on the Table.

Now, Sir, an hon. Friend of mine (Mr. W. Fowler) has given Notice of a Motion to reduce the number of men proposed by Her Majesty's Government by 10,000. I am glad to see my hon. Friend in his place, as I very much doubt whether he clearly understands what that reduction would actually mean. In consequence of the new arrangement with respect to the brigades at home, it has been necessary to state upon the first page of the Estimates, as belonging to the Army, 3,964 officers, non-commissioned officers, and men, to be added as the brigade depôts are completed. I do not know whether my hon. Friend has seen a note which occurs at the end of the next page, and which says that as those officers and non-commissioned officers—of which latter there were to be 3,170—were gradually added, a reduction would be effected in the permanent Staff of the Militia and Auxiliary Forces more than sufficient to compensate for the increase. I understand my hon. Friend to-night intends to move the reduction of our forces on account of the 20,000 men added to our Army on the outbreak of the German War. Now, I will proceed to state to my hon. Friend how that matter stands. If my hon. Friend will refer to the Estimates of last year as well as to these he will find that since the addition of those 20,000 men was made the British establishment proper has been reduced by 8,989 men, the colonial establishment by 1,102, and that two Madras regiments which were at that time voted upon our Estimates and were employed in China, Japan, and the Straits Settlements, numbering 1,760 men, have since been returned to India. Therefore, out of the addition of 20,000 men there remain now but 8,179, and that number is more than accounted for by the addition which the House and the country thought proper to make to the Artillery, the Engineers, the Cavalry, the Army Service Corps, and the Army Hospital Corps. In making re-arrangements of the service the principle has been to retain all those forces which require long preparation, and for which Reserves are not prepared, and to reduce those which need less preparation, and for which Reserves are actually prepared. Accordingly the Guards, which on the outbreak of the German War were raised to 850 rank and file, we have now reduced to 750, the number at which they stood before. The 70 infantry battalions at home have been reduced to 520 rank and file, with the exception of the 10 first ordered for foreign service. Those in the colonies or garrisons abroad are reduced to 600, except in China, the Straits Settlements, Ceylon, the Cape, and the West Indies, which remain at 820 rank and file. Such are the arrangements with regard to the Army at home and abroad.

Now, I have been asked this evening about the state of our Reserves, and upon this subject there appears to be some confusion. Some people seem to suppose that the reserve of men enlisted for short service is already in existence; but short service was only introduced in 1870, and it was for six years. Consequently, that system will not begin to come into operation by adding men to the Reserve till 1876. Having, however, said that, let me say that the Army Reserve, which was very small four years ago, has been raised in the meantime by various other methods to 7,393 men, while the Militia Reserves at the last training amounted to 31,522 men, making a total of men liable to service at home or abroad of 38,915. I mention this to show that if we have reduced our battalions it cannot be charged against us that we have not adequate Reserves should emergencies arise. In addition to these we have 23,804 second-class Reserve men and pensioners, and all these three classes are independent of the provision which we have made for the continuous outflow of men from the ranks to the Reserve in future years. Of men in the latter class we have over 18,000 in the battalions. Considering, therefore, that the strength not of our rank and file, but of our regular establishment of all arms and ranks, is only 125,000—considering the manifold duties we have to perform and the obligations we are under to our colonies, I think I may confidently appeal to my hon. Friend not to press the Amendment of which he has given Notice. That being the number of our Regular forces, the Estimates provide besides for 129,000 Militia, 13,000 Yeomanry, 160,750 Volunteers, 10,000 Army Reserve, 25,000 Second Army Reserve, making a total of 462,750, of whom there are at home, in the regimental establishments available for service, 436,838. Now, what are the means of obtaining the men whom we are to train for these forces? [*Cheers.*] Those cheers of suspicion and distrust I shall at once proceed to meet to the best of my ability. A great deal has been said upon the subjects of recruiting and desertion. I will simply and plainly lay before the Committee the actual state of the case. The question of a Reserve must always depend upon the strength of the establishment maintained, and the rapidity with which you pass your men through the various services into the Reserve. It is very desirable we should first know the number of recruits it is in our power to obtain, because if we exceed that number it follows that we shall be disappointed in the practical result of our calculations. Now, 23,000 recruits a year will maintain our establishment at the strength presented in our Estimates, and at the same time give us the Reserves we require, if passed in proper proportion through terms of long and short service. The actual state of things is this:—In 1870 we obtained rather more than 23,000 recruits. In the following year we had 23,165, and in 1872 the number fell to 17,371, and the suspicion and distrust were certainly in some degree justified, because that was 1,408 below the casualties of the year. Different people will judge of that differently. Those who hear me all know what was the disturbance of the labour market in the year just expired, and if they supposed that it would have no effect on the recruiting market they were more sanguine than the circumstances justified. The actual result was that during certain months of the year recruiting was very much interfered with, but that towards the closing months exactly the opposite was the case. These things depend on great economical considerations which affect the labour market. During the three last months in 1872 there were 5,146 recruits, as against 4,543 in the previous year, when recruiting was brisk; and in the last month, January, we obtained 2,004 recruits, being the largest number obtained since March, 1871. So that, although there are some discouraging circumstances, yet the experience of the later months of the year led to more gratifying conclusions. In the present month of February we did not press forward recruiting, because our establishments were 4,235 in excess of the number we now ask you to provide for in the Estimates, and there is, you see, no difficulty at present in keeping up our strength. Well, you will ask what is the quality—the *physique* — of your troops? [Colonel NORTH: Hear, hear!] My hon. and gallant Friend the Member for Oxfordshire is one of those who think that this quality is not good. [Colonel NORTH: Hear, hear!] I should have thought that after what has passed during the last two years he would have changed his opinion on that subject. I have laid on the Table—and it will be in the hands of Members, I hope, to-morrow—the Report of the Inspector General of the Recruiting Department. You will find in that Report that the number of recruits who failed on trial last year was less than 14 per 1,000, which, in his opinion, is remarkably small, and shows that great attention is paid to the medical examination of recruits. You will also find that the commanding officers in almost all cases approved the recruits sent to them. The principal medical officers, after the usual monthly examinations, generally expressed the same opinion, and reported favourably; and if those recruits are to be tested by the appearance they presented in the Military Manœuvres of last autumn, a person must be fastidious indeed who was not satisfied with every branch of the British Army on that occasion. But then it is said that many of the recruits deserted before they joined their regiments. If hon. Members read this Report they will find that whereas the Royal Commission of 1860 stated that in 1859 5,000 recruits deserted before joining their regiments, the number in 1872 was less than 800. It is very much to be regretted that there should be 800 desertions, but that is a considerable improvement over 1859. When it is also recollected that recruits are no longer sent by escort to their regiments, that a railway ticket is given to them, and that they are left to find their own way unattended to their regiments, the Committee will, I think, be of opinion that there has been no such great deterioration since the year 1859. But then everyone is very much alarmed at the dismal accounts given of recent desertions. Far be it from me to extenuate the evil, or to represent that it is not discreditable. There has been, no doubt, a considerable percentage of desertions; but there is no reason for exaggerating the amount. Whether there are fewer desertions in our Army than in the Army of any other country, looking to our institutions and the freedom we enjoy, is a matter on which I shall give no opinion. You must judge for yourselves; but I will state what I believe to be an accurate account of recent desertions. I have seen it stated that the number of desertions has been greater than on any former occasion, and that the proportion of deserters to recruits has been greatly on the increase. The number is certainly to be regretted. In 1872 the desertions were 5,861; but the number who rejoined was 1,855, leaving a balance of 4,006. That is a large number it is true, but far short of the alleged number of 8,000. Neither is the mode of stating the number of desertions by the proportion of recruits anything but the most fallacious of rules. I believe the real truth to be that when a great excitement breaks out there is a great disposition to enlist, and that when the excitement subsides, not only is there no disposition to enlist, but there is a disposition to desert. Whenever there is a sudden and great increase in the Army by enlistment, there will be after an interval a corresponding amount of desertions. In the last months of 1870 and in the earliest months of 1871 there were raised in eight months about 30,000 recruits. The consequence has been that in 1871 the desertions were chiefly, and in the greatest proportion, among the soldiers under one year's service. In 1872 the greatest proportion were under two years' service. The conclusion I venture to lay down is that the greater number of desertions take place in the regiments having the largest number of recruits and within a short time after any great and abnormal enlistment. In almost all cases those regiments which had the greatest number of enlistments had also the greatest number of desertions. If you look to the last occasions, when there were sudden and great increases in the Army—namely, the periods of the Crimean War and the Indian Mutiny—it will be found that at first there was a great number of enlistments, and that at a later period there was a great number of desertions. According to the rule I have seen laid down, in 1859 the desertions were 22 per cent to the recruit; in 1860, 19 per cent; in 1861, 41 per cent; and in 1862 exactly the same as in 1872—namely, 32 per cent. What I say is, that this rule of proportion is a misleading guide, and the true rule is that when you have an extraordinary addition to the Army, if zeal begins to cool, and if it falls out that there is at the same time an extraordinary demand for labour at high wages, there will be a great proportion of desertions, and more particularly in regiments which are quartered in districts where labour is especially in demand and wages are extraordinarily high.

I will now explain what has been done in regard to the Militia. The whole number of Militia taken is 129,000 men. That is 10,000 short of the full number that it is proposed ultimately to raise. Considering that the Irish Militia has been allowed to fall so very far short of its number when it was not called out, and considering the great demand for labour in England, we may congratulate ourselves that in 1872 30,154 recruits were enrolled in the Militia, and that no less than 4,392 men were furnished to the Army and Marines by the Militia. We have resorted, as the Committee are aware, to a much longer training of recruits for the Militia. The Inspector General assures me in his Reports that they show a very decided improvement. The Committee are also aware that three years ago we introduced the practice of encouraging Militia officers to join the Regular forces and go to Military Schools for the purpose of improving their drill. The Inspector General tells me that the number of officers who have done so is now 630, of whom he says 432 went to these schools in the year 1872. He also informs me the result is that the officers show an increased interest in their duties; that increased confidence is felt by the officers themselves, and inspired by them in those whom they command, and that several officers who were reported incompetent have been requested to send in their resignations. We have done our best to carry into effect the policy which the Committee has always approved, and for which brigade depôts are to be instituted, and have done away, as far as was in our power, with the practice of billeting. Indeed, of the whole Militia force in the United Kingdom only 19,251 have been billeted during the year. A great stimulus has been given to Militia officers by offering them commissions in the Army, the result being that whereas on the 1st of January, 1871, there were only 849 subalterns in the Militia, the number rose to 1,303 on the 1st of January, 1873. Perhaps the Committee will here permit me to refer to the appearance of the Militia at the Autumn Manœuvres at Salisbury. So much was said to me—and with so much warmth—by distinguished foreign officers about the appearance of the Militia on that occasion, that I think I should be wanting in my duty if I attributed it merely to courtesy or politeness, or if I failed to convey their opinion to the House. I have laid upon the Table the Report of His Royal Highness the Commander-in-Chief, in which you will find these words—

> "The regiments of Militia that were out at these Manœuvres were composed of very fine bodies of men. They were county regiments from the three portions of the United Kingdom, and they looked well, and performed their duty admirably as far as it could be expected from the shortness of their training. At the same time, there is much required to perfect the Militia; but this, as many other improvements, can only be acquired after time and experience, which is now being gained annually."

I need not say much about the Yeomanry, because the improvement which has been effected in that force since the Regulations of 1870 were issued, has, I believe, been already admitted by the Committee. What I have to say of them now is that under the new arrangement they will be placed under the command of lieutenant-colonels of the regular cavalry force, and from that arrangement, coupled with the increasing disposition of the force to act as mounted rifles and practice the new mode of mounted warfare, the Inspector General expects the greatest benefit. At the Military Manœuvres we called out 204 of the Army Reserve. We have not considered it necessary as yet—nor, indeed, have we very well been able—to train the Army Reserve in a regular manner, because local arrangements are required before that can be done. But a small body of the Army Reserve were called out to attend the

Military Manœuvres, and their behaviour is thus spoken of by the Commander-in-Chief in the Report which I have laid upon the Table of the House—

> "A small proportion of Army Reserve men were called upon to volunteer to supplement some of the regiments on a low establishment. Nothing could exceed the soldierlike bearing and good conduct of these men. On future occasions I should like to see a larger number, if possible, brought into the field. It is valuable to keep up the efficiency of the men by a short continuous course of training, and it is of great advantage to increase the weaker battalions by so acceptable an addition of trained soldiers. In the course of time it is to be hoped that a large number of Army Reserve men may be induced annually to join for the period of the Manœuvres."

Now I come to the Volunteers, and I do not know whether the statistics I shall read about them will be deemed encouraging or not; but the facts are these:—In the year just expired there was a reduction in the enrolled Volunteers of 14,434; in the efficient Volunteers of 11,989; and in the extra efficients of 4,242, as compared with the previous year 1871. The proportion of non-efficients to the general force was 30 per cent in 1863; 10 per cent in 1871; and only 9 per cent in 1872. The proportion of non-extra-efficients was 65 per cent in 1863; 24 per cent in 1871; and in 1872 it was only 21 per cent. As the Committee is aware, the certificate of the proficiency of officers did not exist in 1863—it was instituted in 1870, and in 1871 no fewer than 10,638 officers and non-commissioned officers in the Volunteer force had obtained certificates of proficiency, and had earned increased capitation grants for their respective corps. In 1872 the number had increased to 11,580. I think the Committee will agree with me that the falling off in the number of the Volunteers is more than compensated by these proofs of efficiency. The inspections have been carefully conducted, and I am informed that both officers and men have been fairly tested, and that much the larger proportion of them are in a satisfactory state. When it has been otherwise, defects have been pointed out, and some officers have been called upon to resign. The Camps of Instruction were new in 1870, and the number trained at them in that year was 10,492. In 1871 the number had increased to 12,936, and in 1872 it had again risen to 16,300. Of the Volunteers, 3,400 were out at the Autumn Manœuvres, and of these 1,800 were there for the whole of the 12 days; and I may say, without fear of contradiction, that their conduct and appearance attracted the commendation of every soldier who witnessed them. The Camp of Artillery Volunteers at Shoeburyness has elicited the most favourable notice, and as a Report on the subject has lately been laid on the Table, I need not further refer to it. I wish to say, in passing away from the subject of the Volunteers, that the new and stricter rules which the Committee supported the Government in prescribing last year, have been favourably accepted by that body. No doubt the Volunteers have diminished in number; but they have improved in efficiency. In applying the new rules to the Volunteers, we have done for that force what the vine-dresser does for the vine—

> "Inutilesque falce ramos amputans
> Feliciores inserit."

I believe that by increasing the efficiency of the regulations you are laying the foundation for an ultimate increase in the number of the Volunteers; because I do not think it an attribute of the English character that it will go through all the privation and trouble which that gallant body has done for so many years, to their own honour and the advantage of the country, without wishing to approximate gradually to the efficiency of the Regular Army.

I trust the Committee will bear with me while I state what will be the result of that scheme of localization which met with your favour in the last Session of Parliament. In the first place, let us bear in mind the principle on which that scheme was founded. It was founded on the principle that, in the words of Mr. Pitt, in 1803—

> "The Army must be the rallying point. The Army must furnish example, must afford instruction, must give us the principles on which that national system of defence must be formed, and by which the Volunteer forces of this country, though in a military view inferior to a regular army, would, fighting on their own soil for everything dear to individuals and important to a State, be invincible."

The Act was passed on the 10th of August, 1872, and I have now laid on the Table the final Report of General MacDougall's Committee containing the whole of the scheme, complete in its general arrangements founded on the county organization. In England, there will be 50 infantry districts, in Scotland 8, and in Ireland 8, making 66 altogether. Of artillery districts, there will be eight in England, two in Scotland, and two in Ireland. In Great Britain—for there are no Yeomanry or mounted Volunteers in Ireland—there will be two cavalry districts. The composition of the brigade of an infantry sub-district will be, as a rule, two Line battalions, two Militia battalions, a brigade depôt, the Rifle Volunteer Corps, and the infantry of the Army Reserve. Of the two Line battalions, one will usually be abroad; the other at some one of the home stations. In the eight Irish sub-districts three or more Militia battalions will be associated with the two Line battalions of any sub-district, according to the number of counties composing the same. The composition of an Artillery sub-district will be—the Royal Artillery brigades and batteries therein stationed, and, under the Artillery colonel, Artillery Militia regiments, Artillery Volunteer Corps, and Artillerymen of the Army Reserve. The composition of a Cavalry district will be—the Cavalry regiments therein stationed, and, under the Cavalry Colonel, Yeomanry Cavalry, Light Horse Volunteers, Mounted Rifle Volunteers, and Cavalry Army Reserve men. Thus, the general officers commands would comprise several sub-districts, and the supreme authority of the Commander-in-Chief would be distributed through the general officers commanding to the officers in command of the several sub-districts.

I now approach a subject which has always been a difficulty in these arrangements, and which my hon. and gallant Friend the Member for North Lancashire (Captain Stanley) has always taken a particular interest in—namely, the precise position of the linked battalions. Where there are two battalions in one regiment the arrangements will be comparatively simple. But in regard to the case where two separate battalions are to be linked together for the purposes of this arrangement, it has been the object of the highest military authorities, of the Commander-in-Chief, and those by whom he is surrounded, to assist us in accomplishing the closest union without interfering with the traditions and *esprit de corps*, about which we heard so much in the early part of the evening, and which I beg to say, although I am only a civilian, I have a sufficient knowledge of the world, I hope, to appreciate, and would be the last to do anything to injure. The recommendation on this subject is as follows:—

> "The battalions which shall be linked together to form the Line portion of an Administrative Brigade under the new organization shall, so far as regards the Sub-Lieutenants appointed, and the soldiers enlisted, after the date of the order so linking such battalions, constitute one corps for all military purposes, including promotion.
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> "And from the date of such order all appointments of Sub-Lieutenants to Line battalions, and all enlistments for Line service, shall be for the brigade of which two or more Line battalions form a component part, instead of being, as heretofore, for particular regiments.
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> "And the Sub-Lieutenants who may be appointed to, and the soldiers who may be enlisted for, the Line portion of any such brigade shall, for reliefs, for all duties at home and abroad, and for every military purpose whatsoever, and in whatever ranks they may thereafter respectively hold, be interchangeable between the several battalions of their brigade, and shall be liable to serve in either of the Line battalions thereof, or, during war or times of emergency, in either of the Militia battalions thereof, indifferently, without regard to the particular battalion to which they may have been first posted."

That, I think, draws very closely together the linked battalions, and will give great facilities to those officers who wish to go to or come home from India without breaking their connection with their corps, or going to the bottom of the list. As I have been asked the question, I may say, without trespassing further than I ought, that the duties of a sub-district will comprise the following services:—The colonel will have charge of the training of recruits both for the Line and the Infantry Militia; training of Infantry Militia; training of Rifle Volunteer Corps; registry, payment, and training of Army Reserve and enrolled Pensioners; inspections; recruiting; care of arms and stores, and military instruction of officers of the Auxiliary forces. The Artillery colonel will have charge of the training of Artillery Militia recruits; training of Artillery Militia regiments; training of Artillery Volunteers; training of Artillery, Army Reserve men, and enrolled Pensioners, when ordered out; inspections; recruiting, and instruction of Militia and Volunteer officers. In like manner the cavalry colonel will be responsible for the training of Yeomanry recruits;

training of Yeomanry regiments; training of Light Horse and Mounted Rifle Volunteers; training of Cavalry, Army Reserve men, and enrolled Pensioners, when ordered out; inspections; cavalry instruction, and recruiting. I have seen it said that there is no visible sign of that organization of the Army which was aimed at by the late Act. It was passed on the last day of last Session; organizations of this kind do not grow in a day, and sometimes the more haste that is made the less satisfactory is the result. I think when I tell you that the very next *Army List*, which will appear in March, will contain all the arrangements for the organization of the British Army, you will agree with me that those who have been engaged in making those preparations have not been slothful or inactive during the period which has elapsed since the Act was passed. It has been a work of great labour, for great consideration had to be given to questions of *personnel*—on account of local connection and the desirableness of disturbing the roster as little as possible—and to questions of place, which involved local inquiry. We had to consider the convenience of the service and of localities, the prices of land, and the salubrity of situations. All the localities, so far as the Committee are concerned, have been determined upon in the Report, which has been laid upon the Table. All the regulations for the Infantry, the Artillery, and the Cavalry have been drawn up, and are ready to be issued. In 18 places buildings are ready, and almost immediately arrangements will be made for using them; in other places buildings have to be erected. In the meantime the colonel commanding a brigade sub-district will be invested with the command of all the Infantry of the Auxiliary and Reserve forces thereof. He will direct as he may think fit the employment of the officers and non-commissioned officers of the depôt, as well as of the officers and non-commissioned officers who may be appointed as Adjutants and Sergeants of the Militia battalions of the brigade; or as adjutants and sergeant-instructors of Volunteers of the brigade sub-district. In directing the employment of this Staff upon duties not immediately connected with the training and instruction of the Militia and Volunteers, he will be careful to place under the immediate orders of the officers commanding Militia and Volunteer battalions such Staff as may be necessary for the discharge of the duties connected with those corps during the periods they are not under training or instruction. The object will be to enable the adjutants to proceed with that instruction which they are so well qualified to give, while in every respect they treat with due consideration all the commanding officers of the various corps. An hon. and gallant Member (Captain Talbot) asked me a Question on the subject of a Reserve for the Cavalry and Artillery, to which I promised to give an answer now. He will have gathered from the statements I have made that we have not introduced as yet any new system of enlistment for those services, and the reason is, not that the subject has been forgotten, but that a year in which the labour-market was most abnormally disturbed, and a year in which we were in a transition state, passing from an old system to a new one, was not, in our opinion, a year in which it would be prudent to introduce changes that we could avoid. Recruiting has hitherto been carried on upon a general system under local Staff officers. We are proposing to establish a new, and, we hope, a more efficient, system of recruiting; but it would have been a fatal mistake to displace the old machinery before we had erected the new, and we thought it highly inexpedient, therefore, to initiate any change at present in the terms of enlistment; but when we have passed under the new system we shall propose to adapt short service to the exigencies of the Reserve for the Cavalry and Artillery as well as of the service generally. With regard to buildings, there was appointed a Committee consisting of the Inspector General of Fortifications, the Quartermaster General, General M'Dougall, the Director General of the Army Medical Department, Dr. Sutherland, and Colonel Ewart. The result has been that arrangements are in progress for purchases, or inquiries are being made in all the places where it is proposed to establish brigade depôts; and arrangements are being made for a training-ground at Wormwood Scrubs, available for Regulars and Volunteers; for tactical exercise grounds at Lichfield and Lanark; for a great tactical station in Yorkshire; and for store depôts. Thus a scheme is already in operation—or it will be by the 1st of April—by which, when it is completely established, every colonel will be able, on receiving orders, to assemble, with all their personal equipment, all the forces under his command; and every general officer will be able, on receiving orders from head-quarters, to assemble not only with their personal equipment, but with their camp equipment, all the forces under the general officer's command, and that without having recourse to head-quarters in London. I have seen comments on the supposed desire of the War Office for close centralization; but I can assure the Committee that the feeling there is quite the opposite. We have quite enough legitimate labour without being so foolish as to wish to concentrate in the War Office, business which can be more efficiently transacted by others. One other thing, and that by no means the least important, remains to be mentioned. My hon. and gallant Friend the Member for Buckingham (Sir Harry Verney) asked last Session whether we proposed to have a "Chief of the Staff." The answer I gave, at the request of His Royal Highness the Commander-in-Chief, was that he considered the duties of such an officer belonged to himself, by virtue of the office he held. In Germany, as is well known, the Sovereign takes the field in person, and the officer who is principally responsible for the preparations is known as the "Chief of the Staff." In England the case is otherwise, and the Commander-in-Chief regards those duties as belonging to himself. They are very important, and such as General Moltke has become illustrious by having performed for Germany. They require what has never been provided in this country—a special organization. They involve an accurate knowledge of the preparations of other countries and of our own, and the possible application of those preparations to every circumstance that may arise. It is known in Germany as a special branch of military science, and is called, I believe, Logisticks; but it means, not any interference with generalship, but the careful preparation of those measures which may enable generals to act best according to the exigencies of the case, and so as to prevent those mistakes which at the outset of any operations are so fatal and so difficult to retrieve. It involves the question of stores, of railway communication, of telegraphs, of local resources of every kind, including transport; and in this country it would involve matters connected with the Navy in so far as naval measures might bear upon military operations. And all this not only in a general sense, but in its detailed application to ever-varying circumstances. This is what has been carried out in Germany, and on a smaller scale with success in Canada, where, the colony having been constantly threatened with Fenian invasion, every preparation was made to meet it; all the supplies and all the transport being in readiness. Thus the Canadian Militia were saved the inconvenience and cost of being kept perpetually under arms, and could be summoned by telegraph in a few hours when their services were really required. Now, we certainly have in this country a Topographical Department consisting of scientific officers, under that most excellent officer, Captain Wilson. We have in our system—as my right hon. Friend who preceded me in office knows—various statistical branches in various parts of the Administration; but nothing like a connected Intelligence Department has ever existed in this country. It has appeared to us that it is quite possible to create it without any large additional expense by attaching to His Royal Highness the Field Marshal Commanding-in-Chief a general officer who shall not be overwhelmed by daily executive duties, but whose function it shall be to be responsible to the Commander-in-Chief and to the Executive Government for the proper conduct of what may constitute a real Intelligence Department, so that, under all the varying circumstances of the country, whenever the Commander-in-Chief shall be called upon to solve any problem or consider any circumstances which may be of more than usual importance, he shall know where to lay his hand on information connected with any branch of the service, whether it concerns fortifications—whether it relates to any strategical matter — whether it relates to organization or to equipment—in short, whatever the matter may be the Commander-in-Chief or the Executive Government may require, the Intelligence Department is to furnish the necessary information upon it at any moment. For this purpose I have inserted in the Estimates the modest sum of £1,200—the salary of a Deputy Adjutant General—who will be immediately attached to His Royal Highness the Commander-in-Chief, and whose first task it will be to overlook the topographical and all the various Statistical Departments, to propose any additions which may appear to be necessary, and to combine the whole into one efficient Intelligence Department. By this means I believe that both efficiency and economy will be promoted. That detailed system of local government of the Army which may suit a country like Prussia cannot altogether be applied to a country like England, with its great amount of foreign service and its various peculiarities; but as far as the creation of a complete Intelligence Department goes, we may do much to make our system under the new arrangements as efficient as the more local system of some other countries. This is a proposal to which, though small in itself as regards expense, I hope the Committee will agree with me in attaching the highest value and importance.

I must now turn for a few moments to some other subjects. The Purchase system was referred to in the earlier part of the evening. The Commission for dealing with Purchase in the Army has now been in operation for about a year and five months. The sum of money which, according to the actuarial calculation, they would have expended by this time is £1,584,000. We voted for this purpose in the first year £600,000, and in the next £840,000, making together £1,440,000. They have received in repayments from India £38,000, making altogether £1,478,000. Now, the amount actually expended is £1,226,800, and they will require to the 31st of March £85,000 more, making together £1,311,800, or £272,200 less than the actuarial calculation, and £166,500 less than the Votes. I mention these circumstances, because it is supposed that there has been a great disposition to retire by the sale of commissions. I have shown you how much less the sum is than that which I stated when the Bill was under consideration. There was at one time, before the new system came into operation, a great number of sales, but now it has fallen to the average. There has been some talk of the presentation of Petitions for an alteration of the system which was adopted; but as those Petitions were abandoned on the first signification of the disapproval of His Royal Highness the Commander-in-Chief, I do not think it necessary to say a word regarding them, except this—that the Government has shown, and that Parliament has shown, no indisposition to consider any cases which fall within the equity of the Act, although they might not be within its letter. Thus half-pay officers have been allowed to retire without any regard to the limit mentioned in the Act; many vested interests have been admitted, and we have stated our intention to include in the Vote a sum on account of the Indian Artillery and Engineers. The effect of the system we have followed is that many old and deserving officers have been promoted who had been often purchased over; many reduced officers have been provided for by military promotion; many supernumeraries have been absorbed; and a large reduction has been effected in the half-pay list. I am happy to say that when *The Army List* for March comes out a large number of colonels who were placed on half-pay, and who must have remained, many of them, for a long time on half-pay, will appear as having been restored to full pay in command of the new brigade depôts. The arrangements have been especially favourable to those officers who had risen from the ranks.

With regard to first commissions, the number of those who passed in 1871 has been provided for. Notice has been given of the first competitive examination in May next, and in the Militia the first appointments will be made after the present training. The intention is that every regiment of six companies or upwards shall have at once one commission, provided, of course, there is an officer who is properly recommended. Various alterations are proposed in the Regulations with respect to retirement and to half-pay, which, at this hour, I will not mention, because the Committee will have an opportunity of seeing them; but they will all tend to make the position of officers of the Army in some respects more satisfactory.

There are one or two other points to be mentioned before I sit down. Last year arrangements were made to meet the long outstanding claim for promotion in the Royal Artillery and Engineers, a subject which was urged upon me as one of peculiar interest and difficulty. I hope we may say we have overcome that difficulty satisfactorily, and that promotions will correspond as nearly as could be expected with the arrangements for the other branches of the service. I wish to make a statement with regard to the medical service of the Army. The surgeons, like the Artillery and Engineers, have been complaining not of an actual, but of an immediately prospective stagnation of promotion. Large numbers of medical men were appointed about the time of the Crimean War and the Indian Mutiny, and while their professional brethren in the Indian service were receiving promotion after 12 years' service, they were looking forward to stagnation, even those who had had 15 years' service. We propose that there should be reduced numbers in battalions and larger numbers on the Staff, by developing the system of station hospitals, which must prevail in case of war, and is strongly recommended by the highest medical authority in time of peace. Fewer officers will thus be attached to the regiments, and more will be upon the Staff. This will lead to great improvement in the future medical arrangements. We do not propose to retain the title of assistant-surgeon, but to have only surgeons and surgeons-major, and the ranks above them; and another portion of the plan will be such as, while there is great objection to making it an absolute condition, will enable a surgeon to look confidently forward to becoming a surgeon-major after 15 years' service, and in India will give him local rank after 12 years. This, I have reason to believe, will give great satisfaction.

I am now obliged to ask the patient attention of the Committee with respect to a change which I think an important one. It is the question of the stoppage for rations, which is now taken from the pay of the soldiers. This stoppage is exceedingly unpopular with the soldier; and another circumstance makes me very desirous of getting rid of it. I am not satisfied with the arrangements which at present subsist in the Department for making payments on behalf of the service. We have at the present moment four systems of pay under the War Office—the regimental system, the Control system, a system of paying through Staff officers of Pensioners, and payments made through adjutants of the Auxiliary forces. The Financial Secretary has paid great attention to this subject—no man being more competent to deal with it—and he is of opinion that great reform and considerable economy might be secured by a better system of pay. He is accordingly presiding over a Committee which has been appointed, consisting of those in the War Office and the Treasury most competent to deal with the subject, for the purpose of considering whether we cannot improve the system. Now, it would be an immense convenience in making that change if we could get rid of all the troublesome stoppages, more especially of the minute fractions, the farthings, and all the minute discussions which have to be held; and I observe that regimental officers here are familiar with them. I believe it would be very popular with the Army, and would tend to the convenience of the Department, if we could get rid of this. Formerly the soldier paid for his rations whatever was the actual price up to 6*d.*; but in 1854 a fixed sum of 4½*d.* was adopted, and so it remains now. At the present moment, the rations costing us nearly 7*d.*, the soldier pays us 4½*d.* only. Some years ago the Prince Regent gave an allowance of wine to the officers, and at the same time 1*d.* a-day beer money to the soldier when at home. In 1867 the re-engagement penny was introduced; but in 1870 it was abolished, on the adoption of short service. In abolishing it, however, we took the precaution of arranging with the Treasury that we reserved to ourselves, on a suitable opportunity, the determining how to benefit the soldier in some other way. The pay at present of the private soldier is 1*s.* 2*d.* a-day, with the addition of 1*d.* in this country for beer money, and the stoppage being 4½*d.*, his net pay is 10½*d.* Now, I was extremely unwilling to do away with the stoppage if it made the pay of any soldier less than a clear shilling a-day. I propose, therefore, to pay every man not less than a shilling a-day, besides his ration of meat and bread. I believe this will be very acceptable to the Army, and I do not think the Committee, in its generosity, will refuse to sanction the arrangement. We hope not only to get rid of the stoppage, but of the minute fractions, which are very troublesome. I have stated the principle of the plan, and I will pass over the details. Of course the change will not give an equal advantage to everybody. It will give everybody, I believe, through the whole Army, some advantage—most certainly none will be put to any disadvantage; but the greatest advantage will be given to the privates of infantry regiments, whose pay will at once be raised from 10½*d.* to 1*s.* The hospital stoppage, which is now 10*d.*, will be reduced to 8*d.*, so as to leave, as before, the clear 4*d.* for the soldier, but not beer money. We make one exception to this rule, which I am sure the Committee will agree in thinking it to be just to the public and beneficial to the soldier. Where it is reported upon medical authority that the soldier is in hospital from causes for which his own conduct is responsible, we intend to stop his whole pay, and not merely a portion of it. The whole cost of this change per annum would be £197,000 on the present establishment; but the re-engagement money counts for £70,000, the arrangement I have mentioned about the hospital for £11,000, the rations on furlough for £6,000, these items making £87,000, and leaving a clear addition to the Estimates for the year of £110,000. The arrangement will apply to the Militia as well as to the Line; but we have not thought it necessary to increase the expenditure to any considerable amount for the Militia. My right hon. and gallant Friend the Surveyor-General of Ordnance (Sir Henry Storks) inquired last year into the system of clothing the Militia, in which inquiry he was assisted by several eminent Militia officers, and they proposed that the clothing by a new arrangement should extend over six years instead of five. It is intended to give effect to the Report of that Committee, and we propose to alter the period of the engagement of the Militia from five years to six. The consequence will be that we can make this arrangement about stoppage without involving any additional cost in the whole as regards the Militia. Of course, when Militiamen and the Line are brigaded together, they will receive the same treatment. It would be impossible to obtain the sanction of Parliament, and make the arrangements necessary for this change so as to carry it into effect before the time for Militia training. It will not, therefore, come into effect till the 1st of October, and the cost for the present year will be £55,000, and in subsequent years £110,000. That is an arrangement to which I attach considerable importance, and which I believe will be very satisfactory to the soldier.

I ought not entirely to pass over the question of Stores, though my right hon. and gallant Friend (Sir Henry Storks) will on future occasions speak more fully upon it. Many questions have been pending about rifles, great guns, field guns, howitzers, siege guns, powder for great guns, gun-cotton, and many other articles, and, in short, almost every kind of armament. These matters are now settled. I have further to state that we have ordered 14 35-ton guns for the Navy, which are to be completed before the end of the year 1872-3; 18 of the same weight for the land works, which are to be completed in 1873-4, and 18 25-ton guns, which are to be completed in the same year. I may state that the 35-ton gun is a most powerful weapon, that it has pierced 18½ inches of iron backed by teak, and that its accuracy up to 4,000 yards is excellent. We have given considerable attention to the manufacture of torpedoes, and have experimented largely on gun-cotton—an explosive material the nature of which is but little understood at present. In conducting some experiments at the sea-side with this substance we discovered that it could be fired by detonation when wet, while in that state it is unaffected by mere fire, and I need not say that this is a discovery of the greatest importance. Further experiments will be carried on in order that the full consequences of the discovery may be tested.

The Committee is aware that for some time considerable anxiety has been expressed with regard to the state of our graveyards in the Crimea. Last autumn we sent General Adye and Colonel Gordon to the Crimea to inspect the state of those graveyards. They were received with the greatest attention by the Russian authorities, and they visited all the cemeteries at Sebastopol, at Kertch, and at the Alma, which they found suffering from the effects of time, but not, as a rule, from desecration. I have laid the Report of those gentlemen on the Table of the House. They propose that we should repair and maintain a few of the chief cemeteries and to cover the others with turf to a depth that will render it impossible to desecrate them. The cost of doing this is estimated at about £5,000. These gentlemen also visited the cemeteries in the Bosphorus, which were well cared for and in good order; and those at Smyrna, which were in bad repair. The Report has been communicated to the Treasury and to the Foreign Office, but Her Majesty's Government have not yet taken any action on the subject.

I wish also to refer to a subject that has excited a good deal of interest, and with regard to which I received several communications during the autumn. I refer to the 40th section of the Mutiny Act. I propose, in laying the Mutiny Act on the table, to leave out the obnoxious provision, but to substitute for it a clause to provide against either oppression or the collusive exercise of power to which the soldier when absent on duty would be specially liable, and to provide by stoppage from pay for cases in which the liability is established.

I have now nearly arrived at my conclusion; but I cannot sit down without observing that we have now had two years of the Autumn Manœuvres, and that they have produced the happiest effect on the discipline and spirit of the Army. The first year, when they took place at Aldershot, the cost for compensation of damages done to the district was only £1,200; but last year, owing to the more extended field, and the more valuable description of the land occupied, the expenses were heavier, but I believe we shall be able to pay everything out of the ordinary Estimates of the year. I also believe that, as far as the claims of compensation are concerned, we shall be able to settle them all without in any case resorting to the Court of Arbitration provided by the Act. The whole sum, I think, will not exceed from £5,000 to £6,000. His Royal Highness and the distinguished soldiers who surrounded him took the greatest interest in the late Manœuvres. The country was greatly pleased at the conduct of the troops, and the Army was equally gratified with the reception it met with at all hands. I must remind the Committee that there are very few districts where these Manœuvres can be held. I did at one time desire that they might be held in Ireland in turn with this country and Scotland; but I found that when held on such a large scale as was the case last year it was impossible to hold them in the thickly populated parts of either Ireland, Scotland, or the North of England. We have made a proposal in the Estimates for having Manœuvres this autumn; but whether they will be on the same scale as last year, or whether the same number of men will be divided so as to give Ireland, Dartmoor, and the North of England an opportunity of seeing the Manœuvres gone through by smaller bodies of men, has not been determined. I believe this system of exercising large bodies of men to be a great advance upon the old system, and to tend largely to increase the usefulness of the force. No one who witnessed the sight at Beacon Hill, near Amesbury, will ever forget the magnificent effect of the splendid scene at the Autumn Manœuvres of 1872. His Royal Highness, in a Report which I have laid on the Table, and which will be in the hands of hon. Members in a few days, says—

> "This fine military display took place, after one day of entire rest for the troops, on Thursday, the 12th. The ground was admirably adapted for so imposing a military spectacle. The spectators, of whom there were vast numbers from distant parts and from the immediate neighbourhood, had ample means of seeing the force displayed to its best advantage. The day was splendid, a bright sunshiny autumn day, and the smartness and efficiency of the several corps reflected the greatest credit upon the zeal of all concerned."

In conclusion, I may say to those who, like the hon. Member for Cambridge, object to large establishments, that in numbers the Army will compare favourably even with the model year 1850-1, when the regimental establishment consisted of 113,491, as against 123,110, of which it will consist during the ensuing year, for the difference scarcely exceeds the number which has been added to provide depôts for the regiments in India, for which India pays. In preparing the Estimates it has been the most sincere desire of Her Majesty's Government to be as economical as is consistent with the efficiency of the service, and to see that the people of this country get the full value for their money. For myself, I yield to no member of the Peace Society in my desire for Peace, and my abhorrence of war. But I have never observed that either in public or in private life the way to ensure peace is to be unprepared to assert your own just rights. To the maintenance of peace two things are necessary—one is that you shall yourself show by your conduct that you desire to live on terms of peace with your neighbour, and the other is that you should make other people equally desirous of living on peaceable relations with you; things which you can only accomplish, either as an individual or as a nation, by showing that you are conscious of your own responsibility and that you respect your own position. The right hon. Gentleman concluded by moving the Vote for 128,968 men.

Motion made, and Question proposed,

> "That a number of Land Forces, not exceeding 128,968, be maintained for the Service of the United Kingdom of Great Britain and Ireland, and for Depôts for the training of Recruits for service at Home and Abroad, including Her Majesty's Indian Possessions, from the 1st day of April 1873 to the 31st day of March 1874, inclusive."

SIR JOHN PAKINGTON said, the statement just made by the right hon. Gentleman was by no means so startling as one of the statements he had made on a similar occasion. Nevertheless, it was of the deepest interest and importance, and he was quite sure the feeling of the Committee was that the fairest consideration should be given to it. He hoped the right hon. Gentleman would not object to an adjournment of the debate. The right hon. Gentleman had intimated that the Report of the Inspector General on Recruiting would be placed on the Table to-morrow morning.

MR. CARDWELL remarked that he had not exactly promised that the Report should be placed on the Table at that time.

SIR JOHN PAKINGTON said, that at any rate it was not before the House at present, and before proceeding with the discussion it was desirable that it should be in the hands of hon. Members. The plan for the appointment of a Chief of the Staff was a new proposal, and so was the proposal with respect to stoppages. He moved that the Chairman do now report Progress.

MR. CARDWELL said, he had no wish except to meet the convenience of the House. The first Order of the Day on Thursday was the Railway and Canal Traffic Bill. He should propose to put down the adjourned discussion on the Army Estimates as the second Order, and he hoped that there would be then time to take the discussion.

MR. W. FOWLER said, he hoped that the request of the right hon. Baronet that the debate should be adjourned would be consented to, as it was impossible to deal off-hand with all the matters to which the Secretary for War had referred.

MR. M. CHAMBERS said, there stood on the list an important national question—the Juries Bill; and he and those who, like himself, had determined to resist the progress of the measure to the utmost, had been told that the discussion on the Army Estimates would last the whole evening. If it were brought on that night, many of its opponents would necessarily be absent, and he therefore trusted that if the Motion for reporting Progress was agreed to, it would be understood that the Juries Bill would also be postponed.

LORD ELCHO said, he was very glad the Secretary for War did not intend to press the Army Estimates to-night. He thought a later day than Thursday should be fixed for the discussion of these Estimates.

SIR WILFRID LAWSON said, that he was glad the discussion was to be adjourned; but it must be understood that the House was not pledged to come to a vote on Thursday night, if there was not then sufficient time for a complete debate.

MR. SCLATER-BOOTH said, his right hon. Friend was aware that a great number of his constituents being licensed victuallers, and, he believed, also inhabitants of Wiltshire, had suffered loss through the movements of troops in connection with the Autumn Manœuvres. He therefore hoped his right hon. Friend would, when they came to discuss the matter, consent to provide out of the compensation money for such losses, and insert a larger allowance for billets in the Mutiny Act.

MR. EYKYN said, he hoped the right hon. Gentleman would consider the necessity of totally abolishing the existing system of billet.

LORD ELCHO said, the Government were bound consistently with the views they recently propounded as to the conduct of the Business of the House to fix a time when these Estimates would be resumed as the first Order of the Day. He wished to know whether the Government intended to take any steps with regard to the clothing of Volunteer regiments, and also whether the scheme for the retirement and promotion of officers, which they were promised two years ago, had yet been prepared and would soon be laid on the Table?

MR. R. N. FOWLER asked when the Report of General Adye with regard to the graveyards in the Crimea would be in the hands of hon. Members, and whether the Government intended to act upon it?

MR. CARDWELL said, he had laid the Report of General Adye on the Table of the House, and it would soon be in the hands of hon. Members.

MAJOR GENERAL SIR PERCY HERBERT asked whether there would be any reduction in the pay to the soldier on furlough?

MR. CARDWELL said, there would be a small reduction, but it would only amount on the year to £6,000. With regard to billets, the question was under consideration. The Government were not adopting any compulsory steps with regard to the uniforms of the Volunteers.

MAJOR GENERAL SIR PERCY HERBERT said, that at present the soldier on furlough received his full pay, less beer money. Would he now receive 1*s.*, instead of 1*s.* 2*d.*?

MR. CARDWELL said, that was the intention.

MR. R. N. FOWLER asked whether the right hon. Gentleman meant to propose any Vote for carrying out the recommendations of General Adye?

MR. CARDWELL replied that these recommendations had not yet been considered by the Government, though they had been communicated to the Treasury and the War Office. He could not name a day for the Estimates. Probably a positive answer would be given tomorrow.

MR. MITCHELL-HENRY asked what would be the position of Militia surgeons?

MR. CARDWELL said, it was not intended to discontinue Militia surgeons when Militia regiments were out of training. At present, however, a large part of the remuneration of a Militia surgeon was derived from the inspection of recruits; but, under the new system, it was intended that all recruits should be inspected by the Army medical officers. There would be an Army surgeon at each brigade depôt.

MR. ALDERMAN LUSK warned the Committee of the consequence of putting off the discussion on this Vote. The result would be that there would be an accumulation of Business at the end of the Session which would then have to be got through "helter skelter," in the manner which had drawn down upon the House the condemnation of the Judges of the land.

COLONEL WILSON-PATTEN asked whether the non-commissioned officers of the staff Militia under the new system would become entitled to pensions?

MR. CARDWELL said, that they would retain all their present rights as long as they remained on the Staff.

Motion, "That the Chairman do report Progress," *agreed to.*

House *resumed.*

CUSTODY OF INFANTS BILL.—[BILL 67.]

(*Mr. William Fowler, Colonel Loyd Lindsay, Mr. Lopes, and Mr. Mundella.*)

SECOND READING.

Order for Second Reading read.

MR. W. FOWLER, in moving that the Bill be now read the second time, said, that its object was to extend the powers of what was known as Talfourd's Act—the 2 & 3 *Vic.* c. 54—and to give power to the Court of Chancery to order that the mother shall have access to and custody of her children up to 16 years of age. Talfourd's Act gave this power up to seven years of age, and had been found to act so beneficially that it was desirable to extend it, and the age of 16 had been chosen because children above that age could by law choose their own guardian. The Bill further proposed to legalize agreements between the parents giving the custody of children to their mother, except where the Court might deem it not for the benefit of the children to enforce such agreement. At present, unless it can be shown that the husband has been guilty of such misconduct as would induce the Court to deprive him of the custody of his children where there is no agreement, the Court will refuse to enforce any agreement that would have that effect—nothing short of actual injury to the children, moral or physical, will induce the Court to deprive him of his right—and this was done in the "interest of public policy." This Bill would put an end to this cruel injustice, and the Court would enforce the agreement unless it should deem it contrary to the real interests of the children to do so.

Motion made, and Question proposed, "That the Bill be now read the second time."—(*Mr. W. Fowler.*)

MR. LOPES thought the better course would be to repeal Serjeant Talfourd's Act altogether and substitute this Bill as a complete enactment on the subject.

MR. W. FOWLER said, that the fourth clause expressly repealed Serjeant Talfourd's Act.

After a few words from Mr. GREGORY, who suggested the insertion of some provisions against a misuse of the powers of the Bill,

Motion *agreed to:* Bill read a second time and *committed* for *Friday.*

TURNPIKE ACTS CONTINUANCE.

Select Committee *appointed,* "to inquire into the Eleventh Schedule of 'The Annual Turnpike Acts Continuance Act, 1872.'"—(*Mr. Hibbert.*)

And, on February 27, Committee *nominated* as follows:—Lord GEORGE CAVENDISH, Sir ROBERT ANSTRUTHER, Mr. BEACH, Mr. WENTWORTH BEAUMONT, Mr. WILBRAHAM EGERTON, Mr. WELBY, and Sir JOHN ST. AUBYN:—Power to send for persons, papers, and records; Three to be the quorum.

Instruction to the Committee, that they have power to inquire and report to the House under what conditions, with reference to the rate of interest, expenses of management, maintenance of road, payment of debt, and term of years, or other special arrangements, the Acts of any of the Trusts mentioned should be continued.—(*Mr. Hibbert.*)

RAILWAYS PROVISIONAL CERTIFICATE BILL.

On Motion of Mr. ARTHUR PEEL, Bill to confirm a Provisional Certificate made by the Board of Trade under "The Railways Construction Facilities Act, 1864," and "The Railways (Powers and Construction) Acts, 1864, Amendment Act, 1870," for the incorporation of the Widnes Railway Company, and for the construction of the Widnes Railway, *ordered* to be brought in by Mr. ARTHUR PEEL and Mr. CHICHESTER FORTESCUE.

Bill *presented,* and read the first time. [Bill 78.]

House adjourned at a quarter after Nine o'clock.

HOUSE OF LORDS,

Tuesday, 25th February, 1873.

MINUTES.] — SELECT COMMITTEE — Horses, His Royal Highness the Prince of Wales *added.*

PUBLIC BILLS—*First Reading*—Polling Districts (Ireland) * (24); Drainage and Improvement of Lands (Ireland) Provisional Orders * (25); Local Government Provisional Orders * (26).

Committee—Report—Cove Chapel, Tiverton, Marriages Legalization * (11).

RAILWAY, &c., (TRANSFER AND AMALGAMATION) BILLS.

THE COMMONS' MESSAGE.

THE MARQUESS OF RIPON said, that on Friday evening a Message had come up from the Commons that they had arrived at the following Resolutions:—

> That all Bills of the present Session which include among their main provisions any of the following objects;
>
> (1.) The transfer to any railway or canal company of the undertaking or part of the undertaking of any other such company; or
>
> (2.) The transfer to any railway or canal company of any harbour; or
>
> (3.) The amalgamation of the undertaking or any part of the undertaking of any railway or canal company with the undertaking of any other such company;
>
> shall be referred to a joint Committee of Lords and Commons.

He now asked their Lordships to take that Message into consideration, and if they agreed to that Motion he would then ask their Lordships to pass a Resolution similar to that which had been come to by the House of Commons in respect of a Joint Committee. It would be in the recollection of their Lordships that the very strong Joint Committee which sat last Session recommended the appointment of such a Joint Committee as that to which the Resolution of the Commons referred. Bills for amalgamations of great magnitude were to come before Parliament during the present Session. He thought, therefore, the appointment of such a Committee was very desirable, and he submitted to their Lordships that it did not at all involve the principle of referring ordinary Railway Bills or other Bills generally to a Joint Committee.

Moved, "That the Message of the House of Commons on the subject of Railways, &c., (Transfer and Amalgamation) Bills be taken into consideration."—*The Lord President.*

Motion *agreed to.*

Then it was *moved* that the House do concur in the Resolution communicated by the Commons.

The Duke of RICHMOND said, he did not rise for the purpose of opposing the Motion, for he concurred in thinking that the Committee of last year was a very strong one, and as its Members devoted considerable time and attention to the subject, he should be unwilling to offer any opposition to the recommendation arrived at unanimously by such a Committee. At the same time, he did not wish to be understood as giving his adherence to the principle of Joint Committees dealing with matters connected with the Private Business of that or the other House of Parliament, and especially in reference to railway schemes—water schemes would of course follow. Again, he desired to point out that the Committee of last year recommended that these Amalgamation Bills, &c., should be referred to "a permanent and special Joint Committee;" but the Message from the other House merely dealt with questions arising in the present Session, and therefore did not entirely carry out the recommendation of the Committee, whose desire probably was to secure uniformity of practice on this question. But he was the more induced not to oppose the proposition of the noble Marquess because he believed the schemes for amalgamation of railways now before Parliament did not stand on all fours with other schemes promoted by railway companies. When railway companies came before Parliament with ordinary schemes and proposed to take land, it was objectionable that they should be submitted to the decision of one tribunal only—it was an advantage that persons whose land the companies wished to take should have an opportunity of appeal, or at any rate of going before a second Court. The landowner, on going before a Committee of the House of Commons in the first instance, might see what were the weak points of his case, and thus be prepared for the second tribunal; and in this manner injustice or injury would frequently be prevented. It was sometimes stated that one tribunal would save much expense; but as the landowner was not compelled to go before the second tribunal, if he did not think it desirable—if he did so he incurred expense voluntarily—and he did not think it any hardship that railway companies proposing to take land by the force of an Act of Parliament should be obliged to show before two tribunals that it was absolutely necessary to their schemes. The interests of the public appeared only to be provided for in a cursory manner by the Joint Committee now proposed. It was true there was an intention of allowing traders and others interested a *locus standi;* but it seemed to him to be necessary to give some direct instructions to this Joint tribunal to look more after public interests. Where amalgamations were allowed a monopoly would probably be created, and in certain districts rates would at once go up; and, therefore, the Committee should make it their business to inquire as to the position in which the public would be placed by amalgamations. The President of the Board of Trade, in moving a Resolution on this subject in the other House, stated that it would not be taken as a precedent for Joint Committees in other cases; and having now entered his protest on the same point, he need say nothing further.

Lord REDESDALE stated that the effect of the evidence given before the Committee last year had been to materially change his opinion on the subject of railway amalgamation, and after much consideration he had arrived at the conclusion that generally large railway amalgamations ought to be refused. It was important, no doubt, in many instances, that branch lines should be amalgamated with the larger undertakings, such arrangements being probably beneficial alike to the public and to the railway companies. He felt convinced, however, that amalgamation had already gone far enough, and that it should not be allowed to proceed further. The only competition which now existed was the competition of service between great lines; but the moment amalgamation took place that competition ceased. In the case of the London and North-Western and the Lancashire and Yorkshire Railway Companies, for instance, which sought to amalgamate last year, and which were again seeking that end this year, he was told that, notwithstanding the strict alliance between the two companies, there was the competition of service still existing between them. Another good object attained by preventing amalgamation was found in the comparison of service, which was a matter of great importance. At present one railway was known to do much better service than another, and there was wanted a standard of some sort to which good service might be brought up. As an instance in point, he might refer to the carriages of the London and North-Western Railway Company, which were very much better than the carriages of the Lancashire and Yorkshire Company. Now, if one company did not serve the public properly in the matter of its carriages, there should be some means of compelling the proper performance of that service; and if the tribunal to be constituted by a measure now before the House of Commons were an efficient tribunal, it would be able to do much good to the public by securing proper service and proper accommodation on railways. He had no objection to the Joint Committee proposed by the noble Marquess for the purpose of considering amalgamation schemes; but he thought with the noble Duke that, with regard to the ordinary Railway Bills, there ought to be a double inquiry. He wished to know how many Members the proposed Committee would consist of, and, if it should consist of an equal number from each House, how would its decisions be ruled in cases where the numbers were equally divided? There was one other question which he wished to refer to—he meant the absorption of railways by the State. He himself was not favourable to any such scheme, but he could not shut his eyes to the possibility that the time might come when it would be necessary to carry out a proposal of that kind. He was much amused at some of the demands made in that way by persons in Ireland who were anxious to get the Government to purchase the railways. If the State took the railways the Government ought to work them on paying terms. He did not advocate any such wholesale measure; but he thought it might be worth the consideration of the Government whether some of the surplus revenue now applied to the reduction of the National Debt might not with advantage be applied to the purchase of shares in railway companies, and in this manner the State might gradually absorb the ownership of the railways and obtain a larger interest for its investments than the Chancellor of the Exchequer was now able to secure.

Lord HOUGHTON expressed a hope that the Joint Committee would be appointed at once, and that it would proceed at once to the consideration of the Bills submitted to them without any prejudice arising from the larger question now before the House of Commons. He agreed with the noble Duke opposite (the Duke of Richmond) that a clear distinction ought to be drawn between amalgamation schemes and ordinary railway Bills, for in amalgamation schemes the benefit of the public was the sole thing to be considered, while ordinary railway Bills were affected by a number of private considerations, and the consideration of such Bills by separate and independent Committees was the best system. With reference to the proposed amalgamation of the London and North-Western and Lancashire and Yorkshire Railway Companies, he understood the alliance between them was already so great that the amalgamation was of no great importance to the companies themselves; but he thought that, for the convenience of the public, it was important that it should be pressed forward. In such a case he was of opinion that identity of interest between the companies was almost the same thing as identity of service. As to what the noble Lord the Chairman of Committees had said with regard to the carriages used on the Lancashire and Yorkshire line, it should be borne in mind that the line passed through the dirtiest country in England, and it was very difficult to preserve either carriages or passengers in a very presentable appearance.

Earl COWPER said, that from his experience as a Member of the Joint Committee which sat last year, he believed it was impossible to stop railway amalgamation. In spite of all that could be done, amalgamations would take place, and instead of attempting to stop them it would be wiser to attempt only to regulate them, and see that the interests of the public were duly cared for. The noble Duke opposite (the Duke of Richmond) had complained that the recommendation of the Committee of last year was not followed in making this Joint Committee a permanent tribunal. But he thought that, pending the decision Parliament might come to in respect of various points which would be raised by the Bill of his right hon. Friend the President of the Board of Trade, it would not be well to appoint a permanent Joint Committee to consider amalgamations.

Motion *agreed to;* and a Message sent to the Commons to acquaint them therewith.

House adjourned at Six o'clock, to
Thursday next, half-past
Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 25*th February*, 1873.

MINUTES.]—Select Committee—Endowed Schools Act (1869), Mr. Kennaway *discharged*, Mr. Neville-Grenville *added.*

Public Bills—*Ordered—First Reading*—Record of Title (Ireland) Act (1865) Amendment [79]; Land Settlement* [80]; Drainage and Improvement of Lands (Ireland) Provisional Orders (No. 2)* [82]; Tithe Commutation Acts Amendment* [81].

Second Reading—Public Worship Facilities [27]; Industrial and Provident Societies* [51].

Select Committee—Union of Benefices* [28], *nominated.*

Committee—Agricultural Children* [8]—R.P.

Committee—*Report*—Victoria Embankment (Somerset House)* [41].

CENSUS OF LAND AND HOUSE OWNERS.—QUESTION.

Mr. WREN HOSKINS asked the Secretary of State for the Home Department, If he will lay upon the Table of the House the Returns of the Nominal List of every owner of land to the extent of one acre and upwards throughout England which the Government undertook to furnish in answer to a question put in the House of Lords of the 19th February 1872?

Mr. STANSFELD, in reply, said, that the Returns were being prepared in connection with the Local Government Board, and he would, therefore, answer the Question which had been put to his right hon. Friend the Secretary for the Home Department. The Returns would be placed on the Table at no distant period. They were not yet complete, and he did not propose to lay a part of the Returns before the House. He could give no definite promise when they would be completed, except that he had no doubt they would be laid on the Table of the House during the present Session. The Returns generally had to be sent back for correction, so that the work was complicated; but he hoped they would be laid on the Table by the end of June.

POST OFFICE ANNUITIES.
QUESTION.

Mr. SALT asked the Postmaster General, Whether, since the number of subscribers for Post Office annuities appears from the last Report to be only 2,000, steps are taken to make the especial advantages of such an investment generally known and understood, especially with regard to the system of deferred annuities, by which the premiums paid are "returnable" at the option or death of the investor before the annuity becomes active; and, whether immediate and deferred annuities can be purchased at all Post Offices where Savings Banks are open?

Mr. MONSELL: Since the publication of the last Report the number of purchasers of Post Office annuities has been increased by 50 per cent. Steps have been taken by the circulation of some millions of handbills to make known the advantages of this mode of investment. Immediate and deferred annuities can be purchased through any Post Office savings bank. The whole question, however, is at present under the consideration of the Government, with a view to the grant of additional facilities for provident investments.

SOUTH SEA ISLANDS—OUTRAGES ON THE NATIVES—THE SHIP "KARL.
QUESTIONS.

Mr. GILPIN asked the Under Secretary of State for Foreign Affairs, If any and what steps have been taken to restore the kidnapped natives of the Fiji Islands who survived the massacre of their companions on board the "Karl" to their own country; and, if nothing has been done hitherto, whether the Government is prepared to insist on such restoration, that the planters may not have the benefit of the stolen labour, which there is too much reason to fear had been obtained at their instigation?

VISCOUNT ENFIELD: Mr. March reported on the 10th of last September that 10 of the natives rescued from the ship *Karl* had been sent by him to their homes by the British ship *Rifle.* The remainder were waiting in Fiji for an opportunity to return home, and Her Majesty's Government are taking steps to carry out this object, if practicable.

Afterwards—

ADMIRAL ERSKINE asked the Under Secretary of State for the Colonies, If it is true that a sentence of death passed on the 20th of November last, in the Criminal Court of New South Wales, on the master and mate of the British brig "Karl," for murders described by the Judge on passing sentence, as "of so terrible a nature as to be hitherto almost unknown to civilized men," has been commuted for a milder punishment; and, if so, if he can state the reasons for such commutation; and, if Her Majesty's Government are aware that the "Karl," together with the kidnapped Polynesians who survived the massacre for which the master and mate were tried, was given up to one of the Ministers of the now acknowledged Government of Fiji, in part payment of his account as agent for the vessel, and is supposed to be again engaged in the so called "labour traffic?"

MR. KNATCHBULL-HUGESSEN: The capital sentences passed upon Dowden and Armstrong, the two men convicted of murdering a large number of Polynesians on board the ship *Karl*, have been commuted to penal servitude for life—the first three years in irons. It was thought by the authorities at Sydney that it would have been improper to execute these men, seeing that they were in the service and acting under the orders of Dr. Murray, the owner of the brig, and that he, the instigator and most active perpetrator of the murders, had escaped all punishment by being accepted as Queen's evidence against his own *employés.* Perhaps it is right I should add that but for the information given by Dr. Murray these atrocities would probably never have been discovered, and that when he was accepted as Queen's evidence it was not suspected that he himself was the worst criminal. With regard to the second part of the Question, my noble Friend has already answered as to the kidnapped Polynesians. As to the brig *Karl,* we have no official information of her disposal; but from a correspondence in *The Sydney Morning Herald* of the 30th of December last I gather that she had been seized and condemned to be sold for the benefit mainly of the agents, and that the British Consul had protested against the sale because no cognizance had been taken of the claims of British mortgagees.

CONSOLIDATION OF THE FACTORY ACTS.—QUESTION.

MR. F. S. POWELL asked the Secretary of State for the Home Department, Whether it is his intention to introduce, during the present Session, a Bill to consolidate the Factory Acts, with a view to the simplification, and in certain cases amendment in substance, of those now complicated Statutes; and, if so, whether the Workshop Acts will be dealt with at the same time?

MR. BRUCE, in reply, said, that undoubtedly it would be a great satisfaction to the manufacturing districts if the Acts were consolidated. His hon. Friend the Member for Sheffield (Mr. Mundella) had given notice of a Bill for an amendment of the Factory Act, and it dealt with the question of the age at which children should be employed, the duration of their employment, and it also proposed to do away with special exemptions. He could not hold out any prospect of bringing in a consolidating measure during the present Session.

ARMY—MONCREIFF GUN CARRIAGES. QUESTION.

LORD ELCHO asked the Secretary of State for War, Whether the last Report of the Moncreiff Gun Carriages Committee so far differs from previous Reports that it specially refers to the general question of the expediency of introducing the Moncreiff system in place of the existing one; and, whether in that Report the Committee have strongly recommended that the designs of new work should be reconsidered with the view of applying the Moncreiff system to them on account of its greater efficiency and economy?

SIR HENRY STORKS: I have on a previous occasion stated, in reply to my hon. and gallant Friend the Member for South Durham (Major Beaumont), that the Report in question is one of a series which is at present incomplete. There is, however, no objection to my replying in general terms to the noble Lord's questions. With regard to the first, I must premise that in assuming that there are only two modes of mounting guns and of constructing batteries for their reception the noble Lord conveys an incorrect idea. There are several modes of mounting guns and of protecting them. They may be placed in casemates with or without iron shields, in open batteries with shields, or in open batteries without shields, with ordinary embrasures. They may also be mounted in the manner known technically as "en barbette," or on the protected barbette plan of Major Moncreiff. The choice of the mode of mounting and of protection to be adopted must be made according to the particular circumstances of each case. Subject to these observations, I may inform the noble Lord that the last Report of the Committee does differ from previous Reports, and does remark on the general question of adopting the Moncreiff gun carriage in certain cases in future works. In reply to the second question I may state that the Committee recommended that in case of new works or additions to existing works the designs should be specially considered with a view to the employment of the Moncreiff carriage. I need scarcely add that the applicability of the Moncreiff carriage to the particular circumstances of each case will be fully considered in the preparation of new projects.

DIGEST OF SANITARY STATUTES.

QUESTION.

Sir CHARLES ADDERLEY asked the President of the Local Government Board, Whether the Digest of Sanitary Statutes which he has prepared in two Codes, Urban and Rural, is so complete as to render any legislation during the present Session in the way of collecting and consolidating the existing Statutes unnecessary and inexpedient whatever may be advisable in the way of amending them?

Mr. STANSFELD, in reply, said that since the right hon. Baronet had done him the honour of asking his opinion as to the completeness of the Digest of Sanitary Statutes he would give it for what it was worth. He did not think it expedient or necessary to attempt to consolidate what were termed the Sanitary Acts during the present Session of Parliament. He did not think it would be expedient to attempt such a work, because he believed that it was a task that might be attempted, but not practically accomplished. He did not think it would be necessary at present to go beyond the digest which had been prepared in two codes, urban and rural. In preparing that digest the various sanitary Acts had been taken to pieces and re-arranged under practical headings, so that any man without a knowledge of law could refer to this digest and ascertain what was the law upon the subject, all redundant phraseology having been got rid of.

Sir CHARLES ADDERLEY asked when the digest would be published?

Mr. STANSFELD replied that it was now in the hands of the Queen's Printer.

IRELAND—THE HOLYWOOD MURDERS.

QUESTION.

Mr. W. JOHNSTON asked the Chief Secretary for Ireland, If he will state to the House the cause of the delay which took place in the production before the coroner of one of the persons accused of the recent Holywood murders, and explain the reason why the coroner was compelled to adjourn for a week the inquest on the bodies of Isabella Ker and Jane Toner, and make application to the Court of Queen's Bench for a writ of habeas corpus to compel the attendance of certain witnesses from the county Antrim?

The Marquess of HARTINGTON: Charlotte Raw, the accused person referred to in the Question, was arrested upon the 4th of January last. The inquest had been commenced on the 31st of December, and adjourned from the 1st to the 8th of January. When the inquest was resumed upon the 8th, Charlotte Raw was in custody under a warrant of remand issued by Mr. O'Donnell, R.M. While this warrant remained in force the gaoler could not legally act upon any order of the coroner for the production of the prisoner. Mr. O'Donnell signed a discharge of Charlotte Raw from custody under his warrant on the 8th or 9th of January, and she was then produced before the coroner. As to the second part of the Question, the witnesses referred to were prisoners who were in custody in the gaol of the county Antrim under magistrates' warrants upon a charge of being accessory to the murder. There was no legal mode of bringing these persons before the coroner, save under a writ of *habeas corpus.* Upon the adjournment of the inquest, Mr. Murland, the Crown Solicitor—who had been pressed to direct the discharge from custody of these persons in order that they might be produced as witnesses before the coroner, and who had most properly declined to do so—moved for and obtained a writ of *habeas corpus* from the Queen's Bench, under which they were produced and examined before the coroner. As Charlotte Raw and her sister are at present in Downpatrick Gaol, awaiting their trial on the charge of murder, it is inexpedient to state anything further in relation to the inquest, save that the action of Mr. Murland, the Crown Solicitor, has the entire approval of the Attorney General for Ireland, under whose direction he attended at the inquest.

BRITISH SETTLEMENTS ON THE GAMBIA.—QUESTION.

MR. MACFIE asked the Under Secretary of State for the Colonies, If the satisfactory intelligence from the Gambia to which he referred in his answer given last Thursday, is not of a later date than that communicated to the public through the press on the day previous; and, if so, of what date?

MR. KNATCHBULL-HUGESSEN, in reply, said, on the 15th of February Messrs. Quin and Chown, Gambia merchants, stated that they had learnt by the French mail that the Mahomedans of Combo, having beaten the Pagans, meditated an attack on the Gambia settlement, in which many of the latter had taken refuge. Those gentlemen had also heard that a French gunboat had been sent from Goree to protect French interests. On the 19th Mr. Pope Hennessy's despatch arrived from which he quoted on Thursday last, giving a fuller and apparently a later account of the transaction. But Mr. Hennessy added, what Messrs. Quin and Chown did not know, that he was just starting for the Gambia, that Her Majesty's ship *Rattlesnake* was on her way there, and that Her Majesty's ship *Decoy* was actually at Bathurst. Captain Vallière, Governor of Senegal, had also, unsolicited, placed the French man-of-war *Curieuse* at the disposal of the Administrator of the Gambia, Captain Cooper. That officer had utilized the police and volunteers at Bathurst, and Mr. Hennessy did not deem it necessary to send troops for Sierra Leone, although they were in readiness if required.

IRELAND—GALWAY ELECTION PROSECUTIONS.—QUESTION.

MR. MITCHELL-HENRY asked the Chief Secretary for Ireland, What course the Government proposes to take in reference to the remaining prosecutions consequent on the Galway Election Inquiry?

THE MARQUESS OF HARTINGTON said, that in consequence of the failure of the recent prosecutions with reference to the Galway Election Inquiry, the Attorney General for Ireland, after consulting with all the counsel who had been engaged by the Crown, had come to the conclusion that there was no reasonable hope of obtaining convictions in any of the remaining cases. The Attorney General announced at once that it was not his intention to continue the prosecution. Under these circumstances the Government, after consulting with the English as well as the Irish Law Officers of the Crown, had determined to abandon any further proceedings in the matter.

IRELAND—MAGEE COLLEGE—UNIVERSITY EDUCATION (IRELAND) BILL. QUESTION.

LORD ROBERT MONTAGU asked the First Lord of the Treasury, Whether, previously to presenting yesterday the Petition from the institution called by the name of the Magee College, he had ascertained the number of students in course of education there; and, if so, whether there is any objection to communicate it to the House?

MR. GLADSTONE: I do not see any connection between the number of students in Magee College and the presentation of this Petition. Before I introduced the measure on Irish University Education to the House I informed myself as to Magee College; but the source from which I obtained information is quite open to the noble Lord. For his convenience and that of other Members, I have requested that a calendar of the College may be sent to the Library of this and to the Library of the other House. I am afraid that under the disadvantageous circumstances in which the College is placed the numbers have considerably diminished in late years. Two years ago I think the number was 68; during the last two years the numbers were only 46 and 44.

THE FIJI ISLANDS—RECOGNITION OF THE GOVERNMENT.—QUESTION.

SIR CHARLES WINGFIELD asked the Under Secretary of State for Foreign Affairs, Whether the acknowledgment by Her Majesty's Government of the Government established by a section of the white settlers in the Fiji Islands as a de facto Government places those Islands in the position of an independent state, and consequently exempts vessels sailing under the Fijian flag from search by Her Majesty's ships of war, and from compliance with the provisions of the Pacific Islanders Protection Act?

VISCOUNT ENFIELD: It is not considered that the recognition of the *de facto* Government of Fiji debars Her Majesty's Government from interfering with the acts of British subjects within that territory when circumstances require it. Occasion of searching vessels sailing under the Fijian flag does not appear to have arisen; but the hon. Member may possibly like to know that an Act for the regulation of native and foreign labour, based on our "Pacific Islanders Protection Act," has been passed by the Fiji Legislative Assembly, which permits ships of all nations to deal with Fijian vessels contravening its provisions.

UNIVERSITY EDUCATION (IRELAND) BILL.—QUESTIONS.

MR. HORSMAN: I wish to put a Question or two to the right hon. Gentleman at the head of the Government bearing on the University Education (Ireland) Bill, and of which I have given him private Notice. My first Question refers to a Memorial that appeared in the papers shortly before the meeting of Parliament from the Catholic Union in Ireland, and to a series of resolutions of the Roman Catholic Archbishops and Bishops transmitted with it by Lord Granard, as President of the Union, to the First Minister. I beg to ask whether there is any objection to lay upon the Table that Memorial, together with any answer returned to it. My second Question requires two or three words of explanation. On former occasions, when Governments have attempted to deal with this question of Irish University Education, they proceeded on the assumption that no scheme could be considered a settlement of the question unless it was acceptable to the Irish Roman Catholic Prelates. Consequently, in 1866 and 1868 the then Cabinets were in communication with the Roman Catholic hierarchy, and finding a settlement hopeless, the attempt failed. The Question I wish to ask is, whether the Government can inform us, before we proceed with the discussion of this Bill, that if it pass into law it will be accepted by the Roman Catholic Prelates as a removal of the grievance and a settlement of the Question.

MR. GLADSTONE: I did not receive from my right hon. Friend, until a few minutes after 4 o'clock, Notice of the first Question which he has put to me, and therefore I have not had a very full opportunity of referring to the document in question. It is intituled "Declaration of the Catholic Union with respect to Education." It is signed on behalf of the Catholic Union of Ireland by Lord Granard, and was sent to me on the 15th of January by Lord Granard. I have no objection to lay it on the Table if my right hon. Friend will move for it. With regard to the resolutions of the Roman Catholic Bishops they have never, I believe, been transmitted to me. There are some resolutions of the Roman Catholic Bishops referred to in this document, but they are as old as August, 1869, and not at all communications, as I understand it, from the Roman Catholic Bishops to myself.

MR. HORSMAN: Were they transmitted by Lord Granard in January?

MR. GLADSTONE: I believe not—I am not sure; but if they were they were transmitted as illustrative documents, and not by the parties signing them. Yes; on reference to this paper I see that they were transmitted by Lord Granard, but, as I say, not at all from the Roman Catholic Bishops themselves, or in any other way than as mere information. I do not think that it would be desirable that I should lay them on the Table as if they had been transmitted to me by the Bishops. With respect to the second Question, I stated on introducing the Bill that we had had no communication from or with any of the bodies who had a special interest in the University Education question; and since that time the only change that has taken place is that I received from Magee College the Petition which I presented yesterday, and I have received a communication from the authorities of Trinity College, Dublin, in which they take exception to my estimate of the amount of revenue belonging to that institution, and contend that in certain cases it ought to be reviewed. Of course, they have the best means of getting at accurate information; but we shall endeavour to get the best information we can, and should any further information be obtained when the Bill comes on, it will be at the service of the right hon. Gentleman.

MR. HORSMAN: I understand that Lord Granard transmitted the declaration with the resolutions of the Bishops and a statement that the Bishops still adhered to them.

MR. GLADSTONE: I do not understand the Bishops to be parties to the transaction at all.

PARLIAMENT—MEETING OF THE HOUSE.

MR. GLADSTONE moved, "That this House do meet To-morrow at Two of the clock."

MR. P. A. TAYLOR said, he hoped the right hon. Gentleman would not press his Motion. It seemed to him not a reasonable thing that the convenience of the House and the business of the country should be, to some extent, damaged in order to meet the view or desire of any section of the House, whether that desire be entertained by a section of the House who wish to go to Church on Ash-Wednesday and on the Derby Day to go to Epsom Downs. He begged to remind the right hon. Gentleman that all tests and religious conditions in regard to admission to that House having been done away with, they were not an assembly of Church of England men, but an assembly of Anglicans, Catholics, Dissenters, Jews, and men of many other opinions too numerous to enumerate. He ventured to suggest to the right hon. Gentleman that it was not reasonable, therefore, that the convenience of the House and the business of the country should be made subservient to the desires of a section of the House, and if the right hon. Gentleman persisted in his Motion, he should certainly divide upon it.

MR. GLADSTONE: I am very sorry I cannot accede to the appeal of my hon. Friend. It appears to me that the unreasonableness on this occasion is rather upon the other side. The state of the case is this—It is between 30 and 40 years since the House adopted the practice of meeting at 12 o'clock on Wednesdays, and ever since it had uniformly adopted the practice, also, of meeting at 2 o'clock on Ash-Wednesday. That being so, I think that if my hon. Friend is desirous of raising the question it would be more fairly done by a separate Resolution, because most hon. Members have no doubt expected that this would be an unopposed Motion.

Question put.

The House *divided*:—Ayes 222; Noes 56: Majority 166.

MEETING OF PARLIAMENT.

MOTION FOR AN ADDRESS.

MR. C. FORSTER moved—

> "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to take into consideration the expediency of summoning Parliament not later than the last week of November, in accordance with the Fifth Resolution of the Committee on Public Business, 1871."

The hon. Member said that, whatever might be the opinion of the House as to the expediency of a November Session, yet the authority of the Select Committee ought not to be dismissed without discussion. This question carried him back to the early days of his Parliamentary life, because he brought forward a similar Motion to this in the Session of 1859. Although on that occasion Lord Palmerston succeeded in inducing the House to reject it by a considerable majority, yet he (Mr. Forster) had always felt that there was a complete answer made to every objection which had been urged against it. But the question did not stand in the same position now that it did then. It was no longer the mere opinion—or the crotchet, if they would—of an individual hon. Member; it came before the House clothed with the authority and recommendation of the Select Committee specially appointed to consider how the procedure of Public Business might be improved. No doubt he would be told that the Resolution was only carried by a majority of one vote in the Committee; but he wished to say that, though upon that Committee they had not a single party division, yet so various were the opinions entertained that most of their decisions were arrived at by narrow majorities:—indeed, the question as to the new rule in reference to Supply was carried only by the casting vote of the Chancellor of the Exchequer, the Chairman of the Committee. When, however, they considered the character of those who composed the majority upon the Resolution now in question, it would be seen that that Resolution carried with it the greatest weight. The majority comprised within it the hon. Members for those great commercial centres, Hull, Liverpool, and Glasgow, and the Resolution was moved by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), who had passed the larger portion of his life in the House, who had served in the highest offices under the Crown, and who must be in a position to form a most competent judgment upon the working of our Parliamentary system. He (Mr. Forster) never could understand by what perverse combination of circumstances the House of Commons, departing from its ancient usage, and in direct contradiction to the custom of every other representative Assembly, lost that portion of the year which seemed best suited to the transaction of Public Business, and was condemned to sit during the whole of July and a part of August in all the heat and discomfort of this over-crowded capital. He had always imagined that the practice came in a few years before the passing of the Reform Bill, and that, having got into a bad groove, they had found it difficult to retrace their steps; but they had been told by the highest authority upon the customs and usages of Parliament that the change was made at the time of the Union, for the convenience of the Irish Members. Whatever necessity of the kind there then was, it no longer existed. The hon. Member for Armagh (Mr. Vance) himself voted for the Resolution. There was one objection to the change which, if well grounded, would be fatal to it, and that was, that however early they might meet, they would not prorogue a day earlier—it was in vain for them to expect to be released from their labours before the inevitable 12th of August. If he shared that opinion, he should not make the Motion now on the Paper. He could assure the House that no one looked forward to the vacation with a keener relish than he himself did, and there was no one who would more strongly resent any attempt to curtail its duration. It was true that in the years 1852, 1855, 1857, and 1867, Parliament was called together in the autumn; but on those occasions they were summoned for special objects—to decide the fate of a Ministry, to pass an Indemnity Bill, or to make provision for a Crimean or an Abyssinian War; and when these special objects were attained they immediately adjourned. But if the Crown should be advised, as a rule, to call Parliament together in November, the Government might prepare its business accordingly. They might arrange for Private Bills in the first instance; then proceed with the Estimates and the organisation of Committees, so that they might be in full working order before the Christmas adjournment. They might resume business in February and prorogue about the 24th of June—the Queen's Birthday. He was told this change would cause a total reversion of the habits of society; but he never could admit that their social engagements should be placed in competition with their legislative duties, and that, yielding to the former, they should assent to sit in that House all through the dog days. He questioned, however, whether society would be a loser by the change he proposed, since London was an exception to every capital in Europe in respect of the time at which the Legislature assembled. He was also told that the Motion had excited the deep indignation of their sporting friends in the House, who considered it an unjustifiable interference with their legitimate pleasures. These pleasures were certainly not his pleasures; perhaps it was his loss that they were not. But they would believe him when he said that he would be the last to seek unduly to interfere with the pleasures of others. He must, however, remind hon. Members who made the objection that Mr. Wyndham sat in the November Parliaments, with whom sport was not only a passion but a conviction, and who invariably defended the pursuits of the field on the ground of their beneficial influence on the national character. And yet, in retracing the history of those times, neither from Mr. Wyndham nor from any Members of the country party in those days did they find any complaint on that score. No doubt they often heard how, with the strong energy which marked that period, they managed to unite the two. It was recorded in the memoirs of an hon. Gentleman, for many years a Member of that House, and whose memory was still dear to sportsmen—the late Mr. Assheton Smith—that he was accustomed to hunt at Tedworth in the morning, and to post in his chariot and four to Westminster, and that after voting in the division, he never failed to keep his appointment at the cover side on the following day. Such, however, were the additional facilities afforded by the railway system in these days that hon. Members might now breakfast in London, hunt in the shires, and yet appear in the Division List the same night. Apart, however, from that, he would ask those hon. Members to consider how small a portion of the hunting season would be interfered with. Since meeting at the end of November, and adjourning for the Recess at Christmas, a month at the utmost would be all that would be taken from them. For this, what a rich compensation would they receive in being enabled to exchange the vitiated atmosphere of Westminster for the bracing air of the sea-side or the mountain, and to indulge in all the varied enjoyments of country life during that portion of the year when the country was most enjoyable. He made the Motion under some disadvantage, since the House was now fresh from the leisure of the Recess; but it would be easy for hon. Members to recall the prostration and languor visible in the faces of those who remained at their posts until the last days of the Session. The only thought at such a time in the mind of the almost expiring Member was by what means he could gain his favourite country retreat. He sinks—

> "Et moriens dulces reminiscitur Argos."

It was clear that under the present system the business of Parliament was but imperfectly done. Nor could it be a matter of surprise that the Prime Minister, in company with an innumerable tribe of unofficial Members, was called upon at that fated period to administer the happy despatch to many of those measures which had a place in the opening programme, and some of which had been read a second time. He would give, for example, a summary of the business done and left undone in two Sessions—namely, those of 1869 and 1870. In 1869, 120 Bills were introduced, 67 of which were not passed. Of the latter 19 were Government Bills, and 48 Bills of private Members, 22 of which had been read a second time. In 1870, 126 Bills were introduced; 74 of them were not passed, of which 20 were Government Bills, and 54 Bills of private Members. The principles of 24 Bills were sanctioned by the House, but not passed. It frequently happened that the legislation of one Session was necessary to correct the errors of the previous one. He now submitted his proposal to the House under the conviction that it would prove most advantageous to the public interests, as well as to the health and convenience of the hon. Members generally. The hon. Member concluded by moving the Address.

MR. GOLDNEY, in seconding the Motion, said, that having voted for the change now proposed in the Select Committee, he felt bound to support it now it was before the House. Four of the Committee's propositions had already been disposed of, and until the remainder had been dealt with, it would not be proper to appoint a new Committee, as the hon. Member for Warwickshire (Mr. Newdegate) proposed, either in justice to the old or fairness to the new. Sir Erskine May stated before the Select Committee that, previous to the present century, the House had almost always met in the autumn. In the year 1801, the first Parliament after the Union, the House met on the 20th of January. In succeeding years it resumed the custom of meeting in the autumn, and, adjourning on the 20th of December to an early day in February, it closed its sitting at the latest in the beginning of July. In 1820, on the accession of George IV., Parliament began to meet at the end of January and continued down to the present time to meet then or at the commencement of February, except when some special business required it to meet before. No doubt those who were opposed to the Motion had precedent and usage in their favour. Something might be said for the inconvenience to which

Irish Members in being called over, and Members living in the country in sacrificing some of their enjoyments, might be put. But although it might be a temporary inconvenience to some of the Irish Members and the lovers of field sports, to meet in the autumn, he thought on the whole hon. Members generally would derive great advantage by an arrangement under which the House could prorogue in June. His position, however, was this—that by the forms of the House a great deal of the early part of the Session could not be fully applied to the public business. Yet, nevertheless, Private Bill legislation lagged greatly behind. With respect to Private Bills, there would be one great advantage from the House meeting in November. This year there were 260 Private Bills, all of which had to be dealt with in some way or other. The House met this year on the 6th of February. It met at the same time last year. The 12th of March arrived before a single one of the Private Bills went into Committee, and the Committees on those Bills continued sitting until the 31st of July. But if the House met in November the Committees might be arranged, the whole of the Private Bills dealt with in good time, and Parliament might rise early in June. Then, with regard to public measures, at present a very large portion of the eloquence of hon. Members was expended before their respective constituents in the autumn without any reference to the forthcoming measures of Government. In fact, they knew nothing about them. If, however, there was an Autumn Sitting the chief business of the Government could be laid on the Table in November; and hon. Members, instead of dealing with phantom proposals, could go home and discuss real business with their constituents during the Christmas Recess, and then could come back to this House fully prepared to support or oppose the measures of the Government. His conviction was that if we had the month of November to go through the preliminary stages of legislation public business would be considerably facilitated, and not only the Members of the House, but the country would be benefited: therefore, he was desirous of seeing some plan adopted that would enable the House to rise earlier than they had been accustomed to in recent years. He had great pleasure in seconding the Motion.

Mr. Goldney

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to take into consideration the expediency of summoning Parliament not later than the last week of November, in accordance with the Fifth Resolution of the Committee on Public Business, 1871."—(*Mr. Charles Forster.*)

Mr. NEWDEGATE said, the proposal which he would substitute for the Motion of the hon. Member for Walsall was much more modest. The hon. Member proposed that the three Estates of the Realm—the Queen, the Lords, and Commons—should be convened for Parliamentary business in November, though he admitted that the present time of meeting was consistent with the habits of the country. The hon. Member wished, indeed, that London should conform to the usages of other capitals. It might be prejudice; but, for his own part, he had a vast preference for English habits, and therefore when the right hon. Member for Buckinghamshire (Mr. Disraeli) brought forward this Motion in the Select Committee he voted against it. The right hon. Gentleman carried his Motion in a full Committee by a majority of 1; he supposed the right hon. Gentleman, as the successor of the great Hampden in the representation of Buckinghamshire, had a preference for long Parliaments. It might be convenient for some Members that Parliament should meet in November; but there was one thing which would render it highly inconvenient to most. When the hon. Member for Walsall brought this question before the House on a former occasion, and recommended it by saying that Parliament could break up early in June, the question rose whether this promise of an early rising would be fulfilled. Lord Palmerston, who was then Prime Minister, convened a meeting of those nameless officers of either party in the House, familiarly called the whippers-in, of those who had served their time, and of those who retained their functions. He was one of them, and they were unanimous in the opinion, that if Parliament were to meet in November, it would rise no earlier than under the present arrangement. That was his deliberate opinion then, and it was his deliberate opinion still. If the House was to sit longer in consequence of the change, what would it gain? In the first place, such a result would have a deleterious effect on the House itself. He was convinced from what he had seen during no short experience, and especially in recent Sessions, that the House sat quite as long and as closely as was consistent with the convenience of those who really conducted the business of the country, out of as well as in the House. He was satisfied that if they were to alter the period of meeting, and extend the duration of the Session, the result would be that they would lose the most valuable Members of the House, and among these their senior Members, whose health failed already under the severity and prolonged duration of the Sessions. He did not look upon the proposed change in the light way in which it had been put before the House by the hon. Member for Walsall. If the change suggested would really be for the advantage of the country, and for the better representation of the nation, the House would long since have adopted it; but it was because the House had always been convinced that the change would be fraught with the danger of lengthening the Session that it had uniformly rejected the proposal that Parliament should meet regularly in November. If any extraordinary occasion should arise, he trusted that the Government of the day would be ever prompt to call Parliament together. And on such occasions Parliament had ever been, and he trusted they would ever be ready to attend. If they were to lengthen the Session, the difficulty of securing an adequate attendance during the latter part of it would increase, and he held there was nothing more injurious to the interests of the country than that this House should seem to sit when in reality it was not sitting. Nothing could be more mischievous than that the doors of this House should be open — that the light should be displayed from the tower, representing to the nation that the Commons were assembled—when in reality it was only a self-elected committee of the House that was sitting. The result would be to diminish, if not to destroy, Ministerial responsibility. The Minister would be able to cite a *quasi*-Parliamentary authority for everything he did. If the Sessions were to become more protracted, the House would be far more seldom really full—such a state of things, if habitual, would become a dangerous delusion practised on the country. The hon. Member for Walsall (Mr. C. Forster) said, that the House should not consult the convenience of hunting Members. He (Mr. Newdegate) was a sportsman, and could assure the hon. Member that he need not trouble himself on that score, for February, not November, was the month hunting men coveted for their sport. And if the House met before Christmas, and the Session was to be shortened, the House must meet later in the Spring; for when the House had once met business would always be found for it. The state of the Order Book proved this. On reference to the Order Book, he found that the Wednesdays had each one or more Order up to the middle of July. What was their difficulty at present? It was the encumbrance of the Order Book with more than they could undertake; and every change that had been made having a tendency to a more democratic representation had increased the difficulty. The longer the House was kept sitting the greater would be the pressure for the introduction of new matter. The hon. Gentleman the Member for Chippenham (Mr. Goldney) referred to the advantage, which he said would be derived from the introduction of Bills before Christmas, because they would then have a hundred small Parliaments discussing them during the Recess, and transmitting their views to Members. That was a rather democratic view to be taken by a Conservative Member. But with the facilities of communication which now existed, there was surely no lack of the transmission of opinion to the representatives of the nation in that House; while the practice suggested would keep up an agitation tending to supersede Parliament altogether. If Parliament sat for eight instead of seven months some of their most useful men of business would cease to be Members of the House. Wealthy men would still seek a voice in Parliament, and they would be represented by deputies; but he hoped never to see the House of Commons a House of Deputies. The House would then lose that quality, which the Americans called practicality; and the question of special compensation to the deputies would no doubt speedily arise. His Amendment was not intended as a mere negative to the Motion of the hon. Member for Walsall; he ventured to suggest the appointment of a Committee, not for the general and vague consideration of matters connected with the Business of the House, but to consider the time of day at which the House should assemble, the hours during which the House could most conveniently sit for the transaction of Public Business, when the business introduced by Her Majesty's Ministers should have precedence; what notice should be given of any proposal to alter the time at which the House would assemble; what arrangements should be made for the better distribution of business. He had endeavoured to embody those points, which appeared to need the immediate consideration of the House, with a view of economising the time they had for the consideration of Public Business. At the close of last Session there was an occasion on which the right hon. Gentleman at the head of the Government did not inform them till Friday night that the House would assemble on Saturday; and to his certain knowledge that short notice excluded many Members from the possibility of being present. He thought that such an irregularity ought to be provided against. It had been said there was a feeling in the House against a Committee, and that the House disregarded the recommendations of Select Committees. Yet he submitted the House had adopted no new rule that had not received the approval of a Committee. Therefore, he thought the points he had indicated in his Amendment should be considered by a Committee. Notice had been given of the proposed renewal of the rule adopted last Session, that opposed Business should not be taken after half-past 12. This was an admirable rule, but its effect for more than a month before the close of last Session, in conjunction with the arrangement for Morning Sittings on Tuesday and Friday, when the House met at 2 p.m. for Government Business, sat till 7 p.m., resumed at 9 p.m., was to reduce the period allowed to non-official Members, though they had more than 100 Bills on the Paper, to nine and a-half hours a-week—namely, three and a-half on Tuesday, after the resumption of the Sitting at 9 p.m. till 12.30, and scarcely six hours on Wednesday. As for Fridays, a Standing Order gave precedence to Supply, and Motions on Supply probably lasted till 12.30. This amounted to an actual exclusion of unofficial business, and a Committee ought to be appointed to consider how so absurd a position might be remedied. As for the precedence enjoyed by the Government at every Morning Sitting but those on Wednesdays, that precedence rested upon no Resolution ever formally adopted by the House. It rested only on the ruling of Lord Eversley in 1851, when the House met at noon, suspended Business at 4, and resumed at 6, an arrangement which, supposing the rule as to half-past 12 to apply, gave unofficial Members six and a-half hours, instead of, as last Session, only three and a-half on Tuesdays, and some prospect of a share of Friday evenings for the conduct of the Bills of which they were in charge. In the interests of the House itself, he would move, as a substitute for the hon. Member's larger proposal, the Amendment of which he had given Notice.

Mr. GREENE seconded the Amendment.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to consider the time of the day at which the House should assemble, the hours during which the House can most conveniently sit for the transaction of Public Business, when the business introduced by Her Majesty's Ministers should have precedence, and what Notice should be given of any proposal to alter the time at which the House will assemble for the distribution of business,"—(*Mr. Newdegate,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. GLADSTONE: I confess it appears to me that there is no practice less conducive to the convenience of the House than the attempt to discuss two subjects at once. That attempt has just been made by the hon. Member opposite (Mr. Newdegate), and he has completely succeeded; for he has made two speeches upon subjects entirely distinct, delivered not one after the other, but on the same occasion while in the possession of the House, and by a most ingenious use of the privilege which he was undoubtedly entitled to claim. As to his proposal for a Committee, I intend to pass it by altogether; for this, if for no other reason—that it is perfectly distinct from a proposition of considerable interest which has already received the countenance of gentlemen of high authority, and that it is not possible advantageously to combine the discussion of it with the question of the appointment of a Select Committee. The hon. Gentleman, moreover, proposes a Committee, not to consider the Business of the House, but certain points of its business which have been selected at the hon. Gentleman's pleasure; so that he asks us to appoint a Committee, not for the purpose which is generally intrusted to such a body, but to consider the question only in the particular form which happens to approve itself to his mind. If the House should think fit to appoint a Committee, it will, as before, give it a much larger discretion than that which he proposes. As to the original Motion, I venture to make a criticism on its terms—namely, that it is rather an unusual proceeding for the House to address the Crown praying it to take proceedings in accordance with the 5th Resolution of the Committee on Public Business of 1871. I do not think the Crown is entitled to be so entirely cognizant of the proceedings of our Committees; but that is a point on which my hon. Friend (Mr. C. Forster) would, no doubt, be willing to meet our wishes if we thought his Motion had better be disembarrassed of those words. I confess there is another objection. I much doubt, with great respect to all who took part in the discussion, whether a subject of this kind, involving the use of the constitutional power of the Crown, was quite within the real scope of the reference to that Committee, which was appointed merely to consider details of business entirely within the power of the House itself. Of course, however, I do not question that, whether in that or any other form, it is quite legitimate to raise the matter for discussion by an Address, and in that sense I will say a few words upon it. Now, the question has thus far been discussed solely with reference to the views and convenience of the hon. Members of this House. The hon. Gentleman who last spoke (Mr. Newdegate) was most successful in that portion of his elaborate argument which was directed against any lengthening of the sittings of this House; but he was really tilting with an imaginary foe, for I am quite sure my hon. Friend is not the man to propose any lengthening of our sittings, and for my own part, if any hon. Gentleman proposed such a step, I, for one, should begin to have very serious doubts as to his sanity. I am aware that the Motion is not distinctly expressed; but there can be no doubt its meaning is, not that our sittings should be lengthened, but that the time of year during which the sittings are held should be altered. The hon. Gentleman who last spoke says the health of the House is better promoted by the present than by other arrangements. I confess that is not my experience. My experience is that the severity of the work of the House in years when we are so blessed as to have hot weather is at least doubled when that weather arrives for those who have to go through long hours. That is the really exhausting period of the Session. Then there is a very natural conflict, which has been sufficiently prosecuted on both sides, between the lovers of nature and the lovers of sport. I do not intend to enter into that conflict; but I wish to make an appeal on behalf of those who have not been mentioned. I had better, however, first say, dealing with the question as one of individual opinion, that I have long been in principle in favour of my hon. Friend's proposal; but I will show very good reasons why he ought not to press it, at all events for the present. I wish to put in a plea for the people of London. The sittings of the House regulate the movements of what is called the higher society of London. The close of the season depends upon, and somewhat precedes, the close of the Session, and the movements of thousands—perhaps of hundreds of thousands—of the people of London depend—not all of them directly—partly on the sittings of Parliament, and partly on the presence of fashionable society in town. Now, undoubtedly the effect of the present system, whatever its other merits may be, is this—to keep the largest portion of the population of London who are able to have a holiday in the country, in the metropolis through the hottest weather, and to send them away only at the time when the beauty and glory of the country are beginning to pass away. That is, in my opinion, a very serious defect in the present arrangement. The month of June is, perhaps, I may say, the most beautiful month of the year—the month in which most is to be seen and learnt of the beautiful operations of nature—and yet it is the month in which, with the exception of clerks in the City who have special arrangements as to their holidays, the population of London generally—the middle classes of London—never see the country at all—as they do in July very partially. But, Sir, although I am entirely of my hon. Friend's opinion, I own I think we ought not to come to a too hasty conclusion upon the subject of his Motion. I should be sorry to see my own opinion on the question carried out, and the measure necessary to give it effect passed through Parliament by only a small majority. If a change is to be made it ought, I think, to be made in compliance with the decided opinion of the House. It may be said, and with perfect truth, that the opinion of the other House ought also to be consulted. But, I think, when we take into account the very limited number of hours during which the other House sits, in comparison with the labours of this House, it will be generally and fairly admitted that the judgment of the House of Commons is that which ought to be sufficient to regulate the matter; still, I should be sorry to see a change made, except after a decided expression of the opinion of this House. Well, but then it is a very serious matter to consider what change we should make, if the House thinks it desirable to make one. If we make a change we should do so with our eyes open, and it appears to me that to meet at the end of November and sit for three weeks before Christmas would be of very little use. In practice, little progress would be made with the Public Business. It would, in fact, be just like the first two or three weeks of our sitting under the present system, and the real Business of the House would have to be encountered in January. Then, again, there is the very legitimate apprehension in the minds even of some who are favourable to the Motion of my hon. Friend, that even if something of the kind which he proposes were adopted we should still sit until August. That is a practical question and an important one; and if it could be proved that the apprehension was well-founded, then, like my hon. Friend, I should be ready to give the matter up, and promise never to say a word more about it. But on that point I wish to make two remarks. In the first place, it appears essential to the common sense of the thing that if an experiment of this kind is to be made it should be made, not as proposed by my hon. Friend, but that the first step should be, not that we should meet in November, but that there should be a prorogation in June. We should then have something in hand, and should not be such patient sufferers as we must be if we commit ourselves hastily to the words of my hon. Friend's Motion. But I will venture to give my opinion upon the question whether a meeting in November would or would not leave us certainly liable to sit until the usual time of the breaking up of the House. According to my observation the real regulator of the length of our sittings is the state of our financial arrangements, and not so much of what is commonly called finance—namely, the annual proposals of the Chancellor of the Exchequer—as of the proceedings with respect to the Estimates. It is the progress and winding-up of the Estimates, and the introduction and passing of the Appropriation Bill which govern entirely, as I believe, with the rarest and slightest exceptions, the length of the Session of Parliament. There is, therefore, if I am right in that view, one way—and one way only—of securing an early termination of the Session, and that is by the early bringing forward of operations connected with the Estimates. If, therefore, the plan of my hon. Friend is to be adopted, the *modus operandi* should, in my opinion, be this:—The House must meet, not at the end, but at the beginning of November, and it would then have a sitting of something like six weeks before the Christmas holidays. During those six weeks it would be perfectly possible—the greater measures of legislation might, it is true, not have been prepared by the Government so early, but there is no reason in the world why—upon an alteration in the financial year, which is a condition precedent—the greater Estimates should not be ready, and why you should not get most of these greater Estimates out of the way before the Christmas holidays. The effect of that would be that, when you met after the Christmas holidays, you could at once face the legislation proposed by the Government, and there would not be the almost insuperable difficulty in regulating the claims of Estimates and the claims of the other important Business which we now have to encounter, because the Army and Navy Estimates would have been practically disposed of. But that, as I have said, would involve a change in the financial year in order to make the transition complete, and that could only be effected by Act of Parliament, and it would involve serious alterations in the social arrangements of London. The details of the question, very well worthy as they are of discussion, require serious consideration. I hope, therefore, my hon. Friend will not press his Motion to a division with the possibility of its being carried by a majority which would, after all, scarcely express the full opinion of the House. I do not know whether the hon. Gentleman opposite will consent to withdraw his Amendment—with respect to which I may say that, if it is to have fair play, it ought to be the subject of a substantive Motion, and not brought forward as an Amendment to a matter from which it is essentially distinct—but I hope the hon. Gentleman may be disposed to withdraw his Amendment now. I hope, also, if the forms of the House will permit, that my hon. Friend (Mr. C. Forster) will allow his Motion to be withdrawn, inasmuch as the question is one of so much importance, involving such considerable consequences, and one upon which it is not desirable the House should commit itself to any opinion, except after a very full discussion of all the details and arrangements, and all the changes in those arrangements which undoubtedly it would require to give it effect. I hope, therefore, he will accept the suggestion I have made, and not press it to a division.

MR. WHITBREAD said, he was of opinion that some change in the time of the meeting of Parliament was required, and that upon two grounds. The first was that a very general wish prevailed that the Recess should commence when the hot weather comes on; and the second, that under the present system there was as a rule during the hot weather a very thin attendance of hon. Members, even when most important business was being transacted. For his part, he did not know of anything more serious than to see measures pushed through the House by the whole strength of the Government, with no independent opposition to criticize or check them. That was one of the great defects of the present arrangement, and it was one they ought all to desire to see done away with as soon as possible. He did not place much value upon the argument which had been used as to social arrangements in London, for he very much doubted whether, if Parliament closed a month earlier than it did now, it would make the least difference; because, practically, the London season terminated about three weeks before the prorogation of Parliament. Formerly the sittings of Parliament regulated the duration of the London season; but that was not the case now, for the season was at an end some weeks before the termination of the Session. But, desirable as he thought a change to be, that proposed by his hon. Friend he regarded as involving the *maximum* of inconvenience with the *minimum* of advantage. He much preferred the change which had been suggested to the Committee by the right hon. Baronet the Member for Droitwich (Sir John Pakington)—namely, that the sittings of the House should commence in January, and believing it would be practicable, he gave it his support. If the House met in November they could hardly expect many hon. Members to come from Ireland and Scotland and distant parts of this country, and, after remaining in London three or four weeks, to go home again for another holiday of four or five weeks, before they returned to the House again. The probability was that not one half of the House would be in attendance, and they would see the very state of things at the beginning of the Session which they so much deprecate at the end. The hon. Gentleman who seconded the Motion said that during the four weeks the Estimates could be brought in and the Bills advanced a stage. But they could not limit Parliament merely to first readings, and, in fact, they might have very important Motions proposed and a very indifferent House to vote upon them. There was this further objection to the Motion—that it would involve an undue curtailment of the holiday of Her Majesty's Ministers, and materially affect their health. In modern times, from the number of questions on all possible subjects which were asked and brought under consideration, Ministers were entirely engaged with Parliament during the Session, and almost the only opportunity they had of becoming practically acquainted with the business of their Departments was during the months which preceded the meeting of Parliament. They would not have time to prepare their measures before November. Even now Bills were often hastily drawn just before Parliament assembled, and if the proposed change were made the great legislative measures of the Session would have to be considered by the Government during the Christmas Recess. No difficulty of that kind ought to arise if Parliament met in January instead of November. With respect to the objection that if the House met earlier in the year they would not be likely to separate earlier, they should remember that the same body which met would have it in their power to regulate the time when their labours should be brought to a close. He did not doubt that if the House would meet one month earlier they could carry out the bargain they had made with themselves and rise one month earlier.

Mr. C. FORSTER said, that in deference to the request of his right hon. Friend, he would consent to withdraw his Motion.

Mr. NEWDEGATE desired to state, in answer to what had fallen from the Prime Minister, that he had adopted the particular form for his Amendment which he had selected because he had been informed that a Motion to appoint a Committee on the general subject of Public Business would be out of order, that question having been already decided. He would also withdraw his Amendment on the understanding that he should not be precluded from bringing the subject of it before the House on a future day.

Amendment and Motion, by leave, *withdrawn.*

NAVY—ADMIRALTY ADMINISTRATION.

RESOLUTION.

Mr. SEELY (*Lincoln*), in rising to move—

"That this House, in order to remedy certain defects in the administration of the Admiralty, recommends the Government to take into consideration the propriety of administering that department by means of a Secretary of State; and further, of appointing to the offices of Controller and of Superintendent of Her Majesty's Dockyards persons who possess practical knowledge of the duties they have to discharge, and also of altering the rule which limits their tenure of office to a fixed term of years,"

said: The subject, Sir, of Admiralty administration is one which has excited a great deal of discussion, for there are some who think that the changes made by my right hon. Friend the Member for Pontefract (Mr. Childers) were highly objectionable, as tending to weaken the action of the Board. I take a different view of this subject. I think that the action recently pursued by my right hon. Friend at the head of the Admiralty is very bad, and I trust that the House will give me its attention while I advance a few reasons in favour of my view. The system established by my right hon. Friend the Member for Pontefract may briefly be described thus. By an Order in Council of the 14th of January, 1869, it was decreed that the First Lord was responsible for all the business of the Admiralty. The first Naval Lord was responsible to the First Lord for the *personnel;* the Controller, who was made a member of the Board, was responsible for the material; the Parliamentary Secretary was made responsible for the finance; and the Permanent Secretary was reponsible for the secretariat. Fixed meetings of the Board were discontinued, and the Board was only called to meet on special occasions. By an Order in Council of the 19th April, 1872, the Order in Council of the 14th January, 1869, was revoked. Certain alterations were made, and they were briefly these:—Instead of one Lord being responsible for the *personnel,* there are now three Naval Lords, to whom the First Lord assigns any business that he thinks fit from time to time. The Controller is no longer a member of the Board. There are now three Secretaries instead of one—[Mr. Goschen: Two]—and the Board, instead of being called together on special occasions, now meets daily as it did before 1869. Now, it appears to me, that the changes made by the First Lord are injudicious, more particularly in one respect, and that is, that the personal responsibility is greatly weakened. But I object to a Board altogether, and it was in this respect I think my right hon. Friend the Member for Pontefract erred. He had great opportunities. He was a member of a powerful Government with a large majority, and he might have swept away the Board so completely that it could never have been revived. He missed that opportunity. The Board is now nearly what it was before. Though, however, it may be said that all Boards are bad generally, yet there may be special reasons why this particular Board of Admiralty may be good. But, in my opinion, there are special objections to this Board of Admiralty. The Patent by which the Lords of the Admiralty are created, and the Order in Council which defines the particular business allotted to each Lord, are inconsistent with each other. The Patent says that what is necessary is to be done by the five Lords, or by two or more of them. The Order in Council says that the First Lord is supreme, and that every other Lord is merely subordinate to him, just as much as any ordinary secretary is subordinate to his chief. The objection I make to this system is that orders are issued in the name of the five Lords of the Board, while in effect, according to the Order in Council, the order is that of the First Lord. I am aware that this is not a very strong objection, but still it is an objection. The whole thing is a sham, and I think in the present day we ought to get rid of such shams. And I may add, it is scarcely courteous to ask Her Majesty to put her name to a document one day which says that five Lords, or any two or more of them, shall have power to do what is necessary, and then, a few days afterwards, to ask her to put her name to a document which says the First Lord should do entirely as he likes. But my main objection is that the business of the Admiralty is divided amongst those several Lords, with the exception of the First Lord. The business is a very important and complicated one. It is a business which requires great energy and experience, and I fear those Lords are generally selected for political considerations. The First Lord shakes his head; but I think I have tolerably strong arguments in support of my assertion that, as a rule, members of the Board of Admiralty are selected for political reasons. I will quote the opinion of a Gentleman who has had as much experience in this matter as the present First Lord—I mean his immediate predecessor. My right hon. Friend the Member for Pontefract, speaking in this House on the 18th March, 1872—I quote from *Hansard*—said—

> "I know there are official and constitutional reasons that make it convenient that, when a change of Government takes place, the new Minister should have the power of reappointing the Board."—[3 *Hansard*, ccx. 184.]

But my right hon. Friend, as reported in *The Times* of the following day, was much more clear, for there he is reported to have said—

> "I am quite with those who think it would be better if the heads of departments were appointed permanently instead of being, as they are in many cases, at present political appointments. Of course I except from this the Financial Secretary, who should be a Parliamentary officer."

Upon this subject I would refer to a paragraph in *The Army and Navy Gazette* of the 27th April, 1872. This is one of the Service newspapers, which are supposed to be well-informed on what is going on, and it said—

> "Captain the Hon. F. Egerton would probably have been offered a seat at the Board, but for a question as to his re-election."

The Broad Arrow, another Service paper, said on the 11th May, 1872—

> "*The Pall Mall Gazette* is informed that it was proposed to Admiral Seymour, when first offered a seat at the Board, that he should contest the county of Antrim against his own cousin. He refused. The office was then given to him without any stipulation."

I will quote one other opinion, and it is that of the late Chief Constructor, Mr. Reed, who, in a letter to *The Times* on the 21st of October, 1872, said—

> "The Controller and I wished to make progress in spite, at times, of the opposition of the little conclaves of party politicians and naval men called Boards, who one after another were set in authority over us."

If this be the case, and if these members of the Board have to manage the business of the Admiralty, as a matter of course the interests of the Navy must be sacrificed. My objection is not only that the members of the Board of Admiralty are appointed from political considerations, and that consequently the best men are not sought out, but that there are constant changes in the composition of the Board. By a Return issued in 1871 (No. 405) I find that from 1832 to 1871 there have been 51 patents of the Admiralty, 75 fresh Lords, 14 different Parliamentary Secretaries, and 10 changes of Government, In five of these changes, all the Board of Admiralty were changed. In three, all were changed save one. In two, all were changed save two. Now, if the members of the Board of Admiralty are selected from political considerations, and without reference to special knowledge of the duties they have to perform, and if they only remain in office on an average about three years, I will ask the House how it is possible that all these different businesses—for there are many of them—can be carried on with success? It is impossible to overrate the evils of these constant changes. I thought at one time I should have the First Lord of the Admiralty with me on this subject, for on the 7th of August, 1871, he said—

> "The presence of the Controller on the Board might involve his always leaving office with the Ministry."—[3 *Hansard*, ccvii. 1050.]

Again, the right hon. Gentleman said on the 18th March, 1872, that he

> "thought the Controller ought to be a permanent officer, so that he might acquire that knowledge and experience indispensable to an officer like the Controller of the Navy."—[3 *Hansard*, ccx. 207.]

He further went on to say that it had become a question whether the Controller ought to become a member of the Board and be a permanent officer; but he considered there would be an anomaly in having "one permanent Lord of the Admiralty, and others who would go out with the Government." Now, Sir, I ask, if it is necessary that the Controller shall be a permanent officer, in order that he may acquire the knowledge and experience necessary for the discharge of his duties, whether there are not other positions at the Admiralty which likewise require great knowledge and experience? Surely, the First Naval Lord requires knowledge and experience which can only be acquired by a tolerably lengthened tenure of office. And here again I thought I might count upon the support of the present First Lord of the Admiralty. Theoretically he agrees with me; because, on the 7th August, 1871, in answer to the right hon. Member for Tyrone (Mr. Corry), he said that the question whether there should be another naval member of the Board was well worthy of consideration. Why? Because he "should be glad to do anything to secure continuity and permanence," so as to "be able to carry out the same policy when any change of office took place." [Mr. GOSCHEN: Hear, hear!] The right hon. Gentleman cries "Hear, hear!" but I ask him to explain that statement made on August 7, 1871, with what he stated on March 18, 1872, because there is something like inconsistency between the two. I should like to know what the right hon. Gentleman has done to carry out his views. He has added another Naval Lord to the Board, but he has not made him a permanent officer. Has he done anything to secure the continuity and permanence, or that the same policy should be carried out? I may mention, in reference to the subject of the constant changes at the Admiralty, that there have been in the 39 years between 1832 and 1871, 22 Civil Lords, making an average of one year and nine months for each of them. These young gentlemen came into office to be educated for the performance of their duties; but that is not the way to manage the Navy. Bearing on this question of the frequent change of office, I beg to quote a remark made by President Grant just previous to his re-election to the Presidential office. It is in *The Standard* of June 11, 1872.

> "President Grant hopes his political life, as shown by past experience, may guide him in avoiding the mistakes which are inevitable with novices in all occupations."

If it had not been for the permanent officers of the Admiralty, this Board of Admiralty would have broken down again and again. And here I must once more quote the First Lord, who, on March 18, 1872, said—

> "Some who have got the best brains and are working the hardest at the Admiralty are receiving the same salaries as men who are practically carrying out their Minutes."—[3 *Hansard*, ccx. 209.]

These, then, are some of the reasons why I ask the House to agree to this Motion. I have not gone generally into the question of administration by Boards. I do not wish to weary the House by giving reasons with which hon. Members are already sufficiently familiar, and which I have urged before. But for those special reasons which I have mentioned, and for those general reasons which apply to all Boards, I think it would be far better that the Admiralty Department should be carried on by a Secretary of State with the assistance of permanent heads of departments, selected for their special knowledge of the duties they are called upon to discharge in lieu of having what Mr. Reed terms "little conclaves of party politicians, called Boards," coming and going nearly as quickly as summer and winter. I do not know what course the right hon. Gentleman will take to-night; but I will now refer to some of the objections which were taken to a similar Motion which I brought forward two years ago. My right hon. Friend at the head of the Admiralty, on the 11th of July, 1871, said—

> "The Peninsular and Oriental Steam Ship Company and the North Western Railway Company were managed by Boards, just as the Admiralty was managed by a Board and he therefore did not see the force of the argument of his hon. Friend."—[3 *Hansard*, ccvii. 1471.]

Now, Sir, there is no similarity, except in name, between the management of the Peninsular and Oriental Company and that of the Board of Admiralty. The members of the Board of Admiralty are selected by the Government of the day, and remain in office, on an average, for three years. The Directors of the Peninsular and Oriental Company, on the other hand, are 11 in number. Two retire by rotation every two years; but unless they retire voluntarily, they are invariably re-elected. They meet once a week, not to transact any of the ordinary business of the Board, but to decide any special questions submitted to them—such as what new ships are wanted, and the like. The ordinary business of the Company is managed by three of the Directors, who attend daily at the office, and those Directors have never been changed since the establishment of the Company, except when a vacancy has occurred by death. Three such vacancies have occurred, and one was supplied by appointing the Secretary, and the other two by appointing gentlemen who had filled the post of manager. Thus at the Board of the Peninsular and Oriental Company you have both permanence and knowledge. At the Admiralty there is the absence of both. Another objection to the Motion was taken by my right hon. Friend. He asked whether it would

> "be possible to get distinguished admirals to join the Admiralty in the position of permanent officers in the subordinate posts which the hon. Member proposed to assign to them?"—[3 *Hansard*, ccvii. 1472.]

Here is an assumption totally unwarranted by anything I said. The right hon. Gentleman assumes that I wish distinguished admirals to join the Admiralty in subordinate posts. But where is the proof of it? He takes three Naval Lords, and by an Order in Council he may assign to each of them from time to time any portion of the business relating to the *personnel* of the Navy which he may think fit. He may say to one, "do this," and to another, "do that," and to a third, "do the other." [Mr. GOSCHEN: Do you doubt it?] That is the Order in Council. What I propose is that one distinguished officer should be responsible for the *personnel* of the Navy and the movements of the Fleet; and is there anything subordinate in the position which I would thus assign to him? The First Lord further says that the tenure of office by these gentlemen must depend on the stability of the Ministry. I, on the other hand, would make them independent of a change of Ministry. Then, again, my right hon. Friend says the Admiralty require responsible advice to be given to them by men who are responsible for it. But is my right hon. Friend more likely to get such advice from men who change office every two or three years than from men who devote their whole lives to the service? Which of these two classes of men is likely to advise the Admiralty best? Is Sir Spencer Robinson most likely to give good advice at the close of his 10 years of service or at the beginning? With regard to Councils, I may further observe that there is nothing, in my opinion, to prevent a Council from being held at the Admiralty if the permanent heads of departments were chosen solely on account of their fitness, and held office irrespective of a change of Ministry. At the War Office, I believe, Councils are frequently held. The Secretary of State for War will sometimes summon a Council for his own information, and is occasionally requested to summon a Council by the head of a department. There is another point which I wish to bring under the notice of the House—namely, the arrangements which the First Lord has made for carrying on the business of the Admiralty in his absence. I believe it has been arranged that when he is absent the first Naval Lord should give all orders respecting the *personnel* and movements of the Fleet; and that on all other questions the First Sea Lord should be the head of the Admiralty, in conjunction with the Parliamentary Secretary. Now, I have two objections to urge against that arrangement. One is, that the First Naval Lord and the Parliamentary Secretary may be both new to office when they have to act for the first Lord; and the next is, in case they differ, who is to decide? It is obvious that a difference of opinion must sometimes arise between them. It appears to me that the best way of getting over this difficulty, as well as many other difficulties connected with the Admiralty, is by the appointment of a Deputy First Lord who should hold office permanently and act in the absence of the First Lord, with all the power of the First Lord. When the First Lord comes into office, new to his business, the Deputy First Lord will be able to advise him. All the Secretaries and Heads of departments would have to report to the Deputy, and to obey his orders. In short, if I may so express myself, the Deputy First Lord would hold in his hands the threads of all the various departments, just as the manager of a railway company holds in his hands the threads of the management of the different departments of the railway. I see that my right hon. Friend looks astonished at this proposal of mine; but, nevertheless, I may remark that I have thought somewhat on the subject, and that I am therefore bound to express my opinion to the House. Of course, the First Lord will be supreme; but I think it is very desirable to have some one permanently at the Admiralty who knows what is going on, and this I believe is the course taken in many great companies. I remember a conversation I had with my hon. Friend the Member for Gloucester (Mr. Price), who is Chairman of the Midland Railway Company. We were talking about this subject of Railway and Admiralty administration, when my hon. Friend assured me he conceived that one of his main duties was "to educate his successor." I have little more to say upon this branch of my subject, except to notice the Amendment which has been placed on the Paper by my hon. Friend the Member for Hastings (Mr. Brassey). I am sorry I shall not, on this occasion, have my hon. Friend's support in regard to the abolition of government by a Board. On a former occasion he said—

> "The reform of the Admiralty Department would have been more complete if the plan of government by a Board had been abandoned, and a competent Naval Staff had been created in order to carry on the business and to afford the necessary advice to the First Lord."—[3 *Hansard*, ccvii. 1466.]

Such were the words used by my hon. Friend on the 11th of July, 1871; but I suppose that since then he has seen some reason to alter his opinion, as he has now put an Amendment on the Paper to leave out the words "Secretary of State," in order to insert "A Board of Admiralty, with such modifications of constitution and procedure as experience has shown to be desirable." My objection to the Board of Admiralty is that its members are selected for political considerations, and that they go out of office with the Ministry. But though I shall lose the formal support of my hon. Friend on this branch of the subject, yet I am happy to say I shall have his hearty support in reference to the other portions of my Resolution. One portion of that Resolution declares that the Controller should have a practical knowledge of the duties he has to discharge. My right hon. Friend (Mr. Goschen) himself, speaking on the 11th of July, 1871, said—"He had no objection to say that the Controller should always have special fitness for the office." Now, what are the duties attached to the office of Controller of the Navy? He is intrusted with the building and repairing of ships, the settling of the designs for ships, the superintendence of four dockyards, in which 13,000 men are employed. He has also to see that the workmanship and the materials are good. Again, the Constructor of the Navy is constantly to consult the Controller. My right hon. Friend thinks that these important duties ought always to be intrusted to a naval officer, and that all civilians ought to be excluded. Now, I hold that naval officers know little, as a rule, of naval architecture. Of course, I am aware that my opinion may be wrong on a matter of this kind, and I will therefore cite an opinion promulgated by a very high authority—namely, the Committee which was appointed by the Admiralty in July, 1870, to inquire into the Higher Education of Naval Officers. Admiral Shadwell was the Chairman of that Committee. And what was its Report? That neither naval architecture nor shipbuilding forms part of the education of English naval officers, but that in the United States and France naval architecture is taught, and that in Russia officers are instructed both in the theory of shipbuilding and in naval architecture. The Committee go on to recommend that naval architecture and shipbuilding should be taught to our officers. *The Times* newspaper, commenting on this Report on the 13th of September, 1871, remarks that—

> "Such an education was supplied between the years 1806 and 1821, but since the latter year it has been altogether ignored and discouraged."

Again, Mr. Reed, in giving his evidence before the Committee on the Education of Naval Officers, was asked this question (1,579)—

> "If naval officers possessed an elementary knowledge of the principles of naval architecture, do you think they would be in a better position to critically estimate and report on the sea-going capabilities of the ships of the Fleet?"

Mr. Reed's reply was—"I have no doubt they would be." I think, therefore, I am justified in assuming that our naval officers possess no knowledge of naval architecture. I also think that the Controllers of the Navy since 1860 have not possessed this qualification. When Sir Baldwin Walker, who was Controller of the Navy in 1860, was examined before the Royal Commission, the following question (571) was put to him—

> "The Controller of the Navy cannot inspect these various works in the different dockyards himself?"

Sir Baldwin Walker replied—

> "He is supposed to inspect them, but as he is not a professional officer he is not competent to give an opinion with reference to shipwrights' work."

The subjoined question (608) was also put to him—

> "You are responsible as to whether a ship is properly adapted in all its parts."

To which Sir Baldwin Walker replied—

> "Yes; I am supposed to be responsible, but am guided by my officers."

Indeed, when Sir Baldwin Walker was appointed Controller of the Navy, it was commonly reported that, in reply to congratulations on his being selected for so important a position, he said he knew nothing about shipbuilding, and presumed that it was on that account he had been selected. And what did Sir Spencer Robinson say after he had been for 10 years, or nearly so, Controller of the Navy? Being asked a question (589) with reference to the *Glatton*, he said—

> "It would be referred to the naval architects. I can give no opinion upon it."

And to another question (14,873) put to him by the *Megæra* Commission, he replied—

> "I being a naval officer, with limited knowledge as to the construction of ships, consulted the constructors, &c."

Captain Hall was appointed Controller of the Navy two years ago, when I put a Question to my right hon. Friend as to his ability in this respect. What did my right hon. Friend (Mr. Goschen) say of Captain Hall? Speaking on the 11th of July, 1871, he said—

> "Captain Hall had for years occupied the post of Dockyard Superintendent, and had superintended the building of many of our large ships. He had given eminent proof of his qualifications for years past, and it was exactly for the possession of this special knowledge that Captain Hall had been selected."—[3 *Hansard*, ccvii. 1468.]

Why is he not Controller now? He held the office only 15 months. If he had such special knowledge of the duties he had to discharge, why did not the right hon. Gentleman keep him? I do not wish to impute motives; but I cannot help suspecting that some circumstances connected with the building of the Royal yacht *Osborne* had to do with his ceasing to be Controller of the Navy. The subject has been referred to before; but I must again recall the circumstances. The yacht was built at Pembroke, and she was sent to Portsmouth. On arriving there it was found that she leaked "nearly all over her bottom," owing "to the general bad workmanship," and to the using of "fir plank when teak or other hard wood should have been used." I am informed that this negligence entailed on the country a very large cost—something like £9,000—and that anything like moderate efficiency of management, and the expenditure of £400 for hard wood and better work, would have saved all this. The matter was alluded to on the 27th of May, 1872, by my right hon. Friend the Member for Tyrone (Mr. Corry), who said of the yacht that she was "thoroughly unseaworthy." It was also mentioned on the same day by the right hon. Member for Droitwich (Sir John Pakington), and my right hon. Friend (Mr. Goschen), in alluding to the subject, said—"This case was the one he most regretted as regarded the management of a dockyard." Further, in reply to a Question put by the hon. Member for Pembroke (Mr. Scourfield), the right hon. Gentleman said that the suggestion for using fir instead of teak "was made to the Admiralty by the dockyard officials and adopted." The office of Controller was next filled by Admiral Stewart—an estimable and courteous man, but no better qualified for the post than any of his predecessors. I think, then, I may fairly say that since 1860 it is clear that no Controller has had a knowledge of naval architecture, and that each Controller must have rested entirely upon the Constructor's department. In reference to this department, I must say I think the changes made by the present First Lord have not increased its utility. We had formerly a Chief Constructor, who was responsible for that particular department. I do not know how many Constructors we have now; I think we have seven. [Mr. GOSCHEN: No, we have not. There are a chief and two assistants at present.] And also a Council. [Mr. GOSCHEN: There is a Council of seven, including the engineers and others.] There is a Council of Construction of about seven members; and Mr. Henry Morgan, secretarial member of the Council, in his evidence before the *Megæra* Commission, question 13,391, said—"We are put in a sort of Commission;" while Mr. N. Barnaby, President of the Council of Construction, in answer to question 13,390, said—"The other members of that Council now take more independent action than when there was a Chief Constructor." The Controller not only has to settle designs for ships, but he has also to manage the dockyards; and on the 18th of March, 1872, according to *The Times*, the right hon. Gentleman said—

> "We propose to appoint a Deputy Controller who shall have the title of Director of Dockyards, and whose special business it shall be to attend to the official working of the dockyards, and to deal, without reference to the Controller, with most of those questions which merely touch the administration of the dockyards."

This would, to some extent, make the Deputy Controller an independent officer; and my right hon. Friend added that he thought "the Deputy Controller ought to be a civilian." I do not know what induced my right hon. Friend to alter his opinion as to the title; but at a Court held at Osborne on the 9th of August, 1872, an Order in Council was agreed to, which, among other passages, contains the following:—

> "And whereas, after a careful consideration of the whole subject, we are humbly of opinion that it would be advisable to alter the title of Deputy Controller and Director of Dockyards to that of Surveyor of Dockyards."

I must ask my right hon. Friend if the only change which, "after a careful consideration of the whole subject," the Queen was called upon to make by Order in Council was that the gentleman who was to manage the dockyards on behalf of the Controller was to be called Surveyor of Dockyards instead of Deputy Controller? It seems to be a foolish arrangement that the head of the State should be required to put her hand to a solemn document, declaring that, after a full consideration of the whole subject, it was advisable to call the officer a Surveyor instead of a Deputy Controller.

MR. GOSCHEN: My hon. Friend is entirely in error. It was not the change of title from Deputy Controller and Director to Surveyor of Dockyards which alone was made by the Order in Council. That dealt with a number of other matters.

MR. SEELY: I accept the explanation; but there is the passage which I have quoted from the Order in Council, and that passage speaks for itself. I have now to put it to my right hon. Friend, if the Controller has no knowledge of naval architecture, and if he does not know anything about the management of dockyards, what is the reason that he should be paid a larger salary, to use the words of the First Lord, than men of the "best brains," who are "working hardest;" or, as the right hon. Gentleman asked, why should men of the "best brains, and working hardest, receive the same salaries as those who are practically carrying out their minutes?" It is time that we ceased to act upon the principle of paying high salaries to men without knowledge and experience. With regard to Superintendents, I ask the House to affirm that they should have a practical knowledge of the duties they have to discharge. In other cases, the Admiralty do their best, on making appointments, to secure something like a special knowledge of the duties men have to perform. Naval officers are called upon to undergo a strict examination, and so are seamen gunners, carpenters, engineers, and others. My right hon. Friend (Mr. Goschen) seemed to agree with me on a former occasion, for on the 11th of July, 1871, he said it was a "truism to say that only persons having special knowledge should be appointed." He "denied that men without special knowledge had been appointed." He said—

> "They took one officer, and gave him the command of a ship because he seemed to have the qualities of a good commander, and they took another for the management of a dockyard because he possessed administrative capacity, and understood shipbuilding and the management of stores."—[3 *Hansard*, ccvii. 1475.]

My contention is that my right hon. Friend does not put his theory into practice, and I ask the House to decide whether he does, or does not, when he confines these offices to naval officers who enter the service at 13 or 14 years of age. It is most unpleasant to have to refer to particular persons; and I will take only one case—the last appointment to Pembroke Dockyard. I quote from the Active List of Flag Officers, by Captain W. Arthur, which states that Captain Courtenay entered the service at 13 or 14, and that his services have been as follows:—Sea time as captain in ships of war at sea, 6 years, 2 months; sea time as captain in coastguard ships, 3 months; sea time as commissioned officer, 23 years, 4 months; harbour time as commissioned officer, 3 months; and half-pay time, 8 years; so that at the age of 51 he has been 38 years in the service; and I ask what opportunities can he have had of obtaining a knowledge of the diversity of business carried on in a dockyard? I may mention, likewise, the case of Captain Hall, so eulogised by my right hon. Friend, who spoke of him as having been for years a Superintendent, as having superintended the building of many of our large ships, and as having given eminent proof of his qualifications, so that it was exactly for the possession of this special knowledge that he had been appointed. I may be allowed to quote a few lines from a pamphlet, written by a gentleman who has, perhaps, a better knowledge of the working of our dockyards than the First Lord, or any hon. Member of this House. The writer says—

> "Practically, the Admiral Superintendent does not give any orders in professional subjects; he merely repeats orders sent him from the Admiralty. He never initiates reports on any professional subject, such reports always being made by the professional officers of the yard. It is now nearly 40 years that naval officers flying their flags afloat have been on their trial as Superintendents of Dockyards; and, during this period, the country has paid untold sums in consequence of not having properly qualified managers to carry on the business and extensive works of these large public establishments. Everyone must see the absurdity of a man parading about a dockyard as its manager, in an admiral's or captain's uniform, with a sword by his side, when these form, in too many cases, the only certificate of competency he possesses. An energetic naval man generally occupies much of the professional officers time in obtaining information from them on points he is unable to fully grasp on account of having had no previous scientific or technical training, and of being unacquainted with book-keeping and accounts as connected with work, &c."

In consequence of this absence of knowledge, the Superintendent is reduced to occupying the position of being nothing more than a medium of communication between the Admiralty and those who do the work. May I be allowed to strengthen my case by quoting the opinions on this subject of several high authorities both in this House and out of it? And I would begin with the right hon. Gentleman the Member for Pontefract (Mr. Childers), who, on the 19th of February, 1867, when speaking in this House on a Motion which I then brought forward in regard to the Superintendents of the dockyards, said—

> "He concurred with the hon. Member for Lincoln as to the inexpediency of the present arrangement, under which no civilian could be the Superintendent of a dockyard, and no Superintendent could hold office for more than five years; and, if he were promoted, the time was less."—[3 *Hansard*, clxxxv. 641.]

Again, in addressing his constituents on the 29th of December, 1871, the same right hon. Gentleman was reported in *The Times* to have said—

> "In relation to the dockyards, the more fully the public employer of labour, skilled or otherwise, follows the practice of private employers, the better both for the men and for the country."

Again, the hon. Member for Montrose (Mr. Baxter), in addressing his constituents on the 12th of October, 1871, was reported to have said that—

> "The defects in Admiralty administration were to be found principally in the control and in the superintendence of our dockyards."

And, in giving his evidence before the *Megæra* Commission, the hon. Member for Montrose, in answer to questions from 15,570 to 15,576, stated that it was essential to the safety of Her Majesty's ships that each yard should have a

Superintendent thoroughly conversant with iron shipbuilding. Mr. Reed, the late Chief Constructor, in his examination before the same Commission, gave evidence to this purport. I will not trouble the House with the answers to each question; but Mr. Reed stated that—

> "Responsibility was so divided and sub-divided amongst the departments that there was great difficulty in fixing the blame when anything went wrong."

Next I come to the hon. Member for Sandwich (Mr. Knatchbull-Hugessen) who, in addressing his constituents, was reported by *The Daily News*, on the 18th of November, 1871, as having said—"That the Government were not to blame for the loss of the *Megæra*;" and that "what they had to find fault with was the system." Well; but why do not they alter it? Then, Sir Spencer Robinson, in answer to question 14,907, told the *Megæra* Commission this—

> "Until you get under one head the whole management of a dockyard, you will never succeed in being perfectly certain that some one has not omitted something because it was not in his department according to his judgment."

But the opinion which will, perhaps, carry the most weight with the House is that of my right hon. Friend the Member for Birmingham (Mr. Bright), who, speaking in this House on the 16th of June, 1865, upon a proposal similar to my present one, said—

> "It is not that you shall not have as Superintendents of dockyards naval officers, but that you shall not have them of necessity. It is that when you appoint a naval officer, he shall be a man who has a technical knowledge of the duties he is expected to superintend. Was anything more rational ever proposed to Parliament? I shall not say, was anything so rational ever refused by Parliament."—[3 *Hansard*, clxxx. 391.]

There was a division taken on that occasion, and, owing to the powerful advocacy of my right hon. Friend, 36 voted for the Motion and 34 against it; but, in a subsequent division, there voted 33 for, and 60 against the proposal. There is still a further authority in favour of my view which I would quote—namely, that of the *Megæra* Commission, who, in their Report, paragraph 108, say—

> "We feel compelled to add that we have formed, however unwillingly, an unfavourable opinion as to the mode in which the administration of Her Majesty's dockyards is generally conducted."

Well, then, what have we to set against such weighty evidence and opinions as I have adduced? First of all we have the opinion of the right hon. Gentleman the Member for Tyrone (Mr. Corry), whose absence I deeply regret, more particularly on account of its cause, and whom I hope soon to see again in his place, taking his usual part in naval discussions. Speaking on July 11, 1871, in this House, that right hon. Gentleman said that—

> "A Superintendent has not only to superintend the repairing and building of ships, but to see to their rigging, fitting, arming, &c."—[3 *Hansard*, ccvii. 1478.]

Here, observe, he gives up the question of the Superintendent of a dockyard knowing anything of the building and repairing of ships. His opinion might have done pretty well if he had not unfortunately given his reason for it; for I am informed, upon the most unquestionable authority, that the Superintendent in no case gives an order or superintends the rigging of a ship; that a Superintendent has nothing to do with the general fittings of a ship; and also that in no case does he interfere in any matter connected with the arming of the ships. Another authority in opposition to those by whom I am supported is that of the First Lord of the Admiralty (Mr. Goschen). And here I would ask, in passing, upon what ground does a gentleman who once took an active part in managing a large and prosperous private concern set himself against what I venture to call a common-sense and business-like mode of managing a large public department? But I got a little light on the subject by reading a speech of his—for I did not hear it—delivered on the 7th of August, 1871, when, in answering the right hon. Member for Tyrone, who had objected to civilians being appointed as Superintendents of naval hospitals and victualling yards, the First Lord reminded the right hon. Gentleman that the hon. Member for Lincoln wished actually to have civilians at the head of the dockyards, and then went on to say—

> "For his own part, he wished to keep a due mean, and not to rush to extremes by excluding entirely either the civilian or the naval element."—[3 *Hansard*, ccviii. 1052.]

Now, I altogether object to this "due mean" principle. If naval officers are better qualified—nay, if they are as well qualified—as any civilian for an office at the Admiralty, let them have it; but do not put them in an office simply on what my right hon. Friend calls the "due mean" principle. If he had chosen to defend the changes made by his immediate predecessor on the ground that they had been beneficial, he could have done so with great effect, more particularly with regard to the naval hospitals. I came across a paragraph in *The Army and Navy Gazette* of the 4th of January last, in which it was stated, on the authority of officers and correspondents who had themselves seen and experienced the working of the naval hospitals, that those institutions "were never in such a thoroughly efficient state as they are at present." I should have thought that was a strong argument in favour of applying the same principle to the management of our dockyards; but the First Lord actually uses it as an argument against the change, and he wishes to keep to the "due mean," and therefore, as civilians are employed in the naval hospitals and victualling yards, he must have naval officers as Superintendents of the dockyards. My impression is that the Admiralty themselves know that their managers of the dockyards are inefficient, or they would not have encumbered their books with such a mass of written instructions. They know that they are not efficient, and in order to lessen the evil of that inefficiency, they send forth an enormous number of written instructions—so enormous that Admiral Sir Sydney Dacre, when he was examined before the *Megæra* Commission, in answer to question 15,997, said—

> "I know that orders are multiplied to such a degree that people do not know actually where they are."

Admiral Sir Frederick Gray, in answer to question 13,850, before the *Megæra* Commissioners, said—

> "I cannot say what the instructions to the dockyard officers are, for though begun to be revised in 1862 and 1863, they are not yet completed or issued."

Perhaps the House will allow me to give an extract from the appendix to the Report of the *Megæra* Commission, showing the minuteness with which the Board of Admiralty attempt to manage this business. On the 16th of August, 1870, the carpenter of the *Megæra* reported that the mizen cross-tree of that vessel was broken. The staff commander approved of the Report, and sent it to the Commander-in-Chief; the Commander-in-Chief approved it, and referred it to the Superintendent at Sherness; the Superintendent at Sheerness referred it to the dockyard officers; the dockyard officers reported that the cost of the repairs would be £6. The Superintendent then reported to the Controller; and on the 29th of August, or 13 days afterwards, the Controller ordered the work to be done, costing £6. This system of written instructions of course necessarily multiplies correspondence inordinately. The First Lord of the Admiralty, in speaking of the correspondence of his Department, in connection, I think, with a question that was raised in this House with reference to the loss of the *Megæra*, said, "It was a matter of extreme difficulty in so vast a Department." Now, Sir, I do not think there is any difficulty in dealing with the correspondence of a large department. I think that a large business, if the system is good and the managers are efficient, is generally better managed than a small business. But I deny that this correspondence—100,000 letters per annum—is so excessive. As soon as I had read the report of my right hon. Friend's speech, I asked my own bankers—the London and County Bank—to give me the number of letters they received in the course of the year, and they were kind enough to let their letters be counted for one week at the head office; and I find that they received 498 letters and 25 postal cards per day, or 523 communications altogether, being an average of 163,176 a-year. And this they told me was a fair average of the number they received week by week, except upon special occasions, when the number was largely increased. I have reason to believe that at the General Post Office 160,000 letters a-year pass through the Secretary's office, and that there are about one and a-half or two unregistered papers to each letter; making the whole number between 400,000 and 500,000 in the year. And I venture to assert that this mode of attempting to manage business by written instructions, instead of by having efficient managers in the different dockyards, has failed, and ever must fail as long as the world stands. Then, in addition to this want of experienced managers, you have the tenure of a dockyard Superintendent's appointment limited to five years, and practically to only three years. I really do not think that folly could go much further than that. This, then, briefly summed up, is the way in which the Admiralty manage their business. The Controller, who superintends the designs for shipbuilding, is ignorant of naval architecture; while the Superintendents who manage your great shipbuilding yards know nothing whatever of shipbuilding. No wonder there is much extravagance, and that many grievous mishaps occur. We have lately introduced something like common sense into the mode in which the Admiralty purchase their stores, and I have no doubt a considerable sum of money has thereby been saved; but I believe that saving is small compared with that which would be effected by having efficient Superintendents of dockyards. But the saving of money would not be the only advantage gained by altering the system. There would be many other advantages. I believe the costly establishments at Whitehall might be materially reduced. They would not then have to take into consideration whether a mizen cross-tree should be repaired at a cost of £6, but would be able to devote their attention to questions of far greater moment. A further advantage would be that we should, in all probability, be spared those serious blunders such as led to the loss of the *Megæra.* Here was a vessel sent on a long voyage, dashed to pieces on a desert island, and 300 or 400 lives put in great peril; and what are the facts which are ascertained? Why, that year after year, for many years, her bottom had been crumbling to pieces, and that she had been during this time in more than one dockyard for repairs. I cannot conceive that under an efficient administration this would happen. But the greatest advantage which I think would accrue from an alteration of the system would be, that we should have a better chance of securing the best type of ship in future; and when we bear in mind the many costly reconstructions of our Navy, the millions of money that have been spent—some of them unnecessarily spent, in consequence of want of skill and foresight—I say we ought to summon to our aid the highest skill that the country can afford. I further say—and I say this deliberately—that the man who neglects to summons to his aid the best talent that the country can furnish is guilty of an act of great folly, and of a gross breach of duty. The hon. Gentleman concluded by moving his Resolution.

Motion made, and Question proposed,

"That this House, in order to remedy certain defects in the administration of the Admiralty, recommends the Government to take into consideration the propriety of administering that department by means of a Secretary of State; and further, of appointing to the offices of Controller and of Superintendent of Her Majesty's Dockyards persons who possess practical knowledge of the duties they have to discharge, and also of altering the rule which limits their tenure of office to a fixed term of years."—(*Mr. Seely.*)

Mr. WHITE said, he begged to thank his hon. Friend the Member for Lincoln (Mr. Seely), for again calling attention to a subject which, despite the scanty attendance, was one of great importance, involving the maintenance of that maritime superiority which the country was resolved to secure at whatever cost. It was to secure this and the efficient conduct of the Department that his hon. Friend had, with laudable pertinacity, year after year brought the question before the House, having already achieved much good, and being likely he trusted to achieve much more. The object of the Resolution which he wished to second was, the practical enforcement of the doctrine of direct personal responsibility in naval administration. Could it be surprising that much distrust was felt by the public as to the condition of the Navy, and its management, seeing that our iron-clads, according to the late Commander of the Mediterranean Squadron (Lord Clarence Paget), "were not safe when near land or one another, at sea, at anchor, or in bad weather, without steam power?" According to Admiral Sartorius, "they were equally unfit for the exigencies of coast or distant warfare, and for blockading an enemy's ports impracticable." Another Admiral, Lord Dunsany, stated eight months ago, in the other House, that a "flag officer might now attain his flag without ever having taken his own ship out of harbour." This distrust was not unreasonable when Her Majesty's ship *Achilles* had four captains appointed to her—before she left Sheerness—in a little over three months, in order, it was alleged, to evade the regulation now in force, that a captain must have been afloat and in command of a ship within seven years of his promotion to flag rank. This insidious and expensive process must unduly swell the number of flag officers, already out of all proportion to the requirements of the service. We had now 295 admirals on the retired, reserved, and active lists. Mr. Cobden 20 years ago complained of their being almost one admiral for each ship in commission; but, deducting coastguard ships for the Naval Reserve, and ships under repair or stationary, we had, by the latest return, 211 ships in commission, showing nearly an admiral and a half for every ship now in commission. The inefficiency of the present system might be shown by the collisions and catastrophes which had befallen the Navy, but they were so recent, and had so strongly affected the public mind, that he need only express his dissatisfaction at the advancement of the officials who were or ought to have been made responsible for the loss of the *Megæra*. So far from dereliction of duty—he might say culpable neglect or delinquency—being a bar to promotion, it apparently operated as a stimulus or plea for advancement on the official mind. Hence it was disheartening to be driven to the conclusion that the new system was not much, if at all, better than the old. As to official responsibility, no word was more profaned, for a First Lord might build a fleet of useless vessels, as had indeed happened, the country bearing the cost. Impeachment was obsolete, and the block at Tower Hill was no longer a national institution. If a dockyard was wastefully managed, would the First Lord be compelled to make good the waste? For 19 years the Admiralty had been undergoing constant reorganization, and the views of successive Boards constantly changing; the consequence was confusion, which would have become absolute chaos but for the permanency of the subordinate officials. The Board changing with the Government, a political feeeling was imported into the service, orders not being cheerfully obeyed, and a spirit almost of mutiny being encouraged. Officers and men often held on for a change of Government, hoping for it if dissatisfied, as was their normal condition. Duties were perfunctorily performed, and too often the subordinates, from political feeling, opposed and strove to thwart, if not to betray, their chiefs. How often had First Lords justly complained of information being furnished to Opposition Members before they had themselves been made acquainted with it. Now, with a Secretary of State and permanent professional advisers this state of things would be wholly or to a great extent avoided. Under the existing system Parliamentary novices and young political aspirants became Civil Lords and Secretaries to the Admiralty, and when holding those offices they not merely advised but they actually controlled large Departments conducted by men who had devoted their lifetime to their management. Consequently, the policy of those Departments was never uniform, and the waste of public money arising from changes of design was very great. But the worst effect of the present system was, that the heads of Departments were thus deprived of their personal responsibility. Hence it was not surprising that in the fleet at the present time there were almost as many types of ships as there were ships. But the fact was that a system which changed the First Lord, the Civil Lord, the Secretary, and the other Lords every two or three years, and the Superintendents of the dockyards every five years, was so absurd that its absurdity would need no exposure were it not for the obstinate inaptitude of those Chinese of Europe, the ordinary English officials. The Superintendents of our dockyards were merely the mouthpieces of officers who disclaimed all responsibility. In our dockyards there was really no one who superintended, in the true sense of the term. The most important functionary whose duty should be to blend the several offices under him into one harmonious whole—to use the language of the Secretary of State for War—was an official who was entirely ornamental and absolutely useless, when not mischievous. He might ask whether the Government had not given up the point insisted upon by his hon. Friend by having recently abolished the Naval Superintendents at the victualling yards and naval hospitals? As to the office of the Controller of the Navy, he wished to know why it should be given to an admiral who had no professional knowledge of shipbuilding, and who could only act as a mere buffer between the First Lord and the Chief Constructor of the Navy. It was chimerical to suppose that we could ever see a perfect administration under a Parliamentary *régime*, but a Minister would most nearly attain that result by courageously discarding all antiquated practices and superannuated procedure in the conduct of his Department. Therefore, while he was aware that with regard to the public service we should never discover a perfect substitute—to use the language of the Prime Minister—"for the vigilant, the ever-living sense of self interest which applies to private concerns," still the question was, how near we could get to the solution of the problem of an efficient substitute? He believed the adoption of the Admiralty of such an admistrative policy as had been recommended by his hon. Friend would greatly assist in the solution of this difficult and vital problem. In conclusion, he would ask, what could be said of a system which affixed no clear and indisputable authority anywhere—a system which laid on the First Lord duties before he could have any knowledge how to perform them? It established confusion in the inferior departments, where there ought to be a clear definition of functions, and prevented the possibility of the enforcement of a steady and consistent line of policy with permanent official and individual responsibility.

MR. BRASSEY: The Motion of the hon. Member for Lincoln refers to two separate departments of naval administration—namely, the organization of the office of the Admiralty, and the management of the dockyards. The Amendment which he (Mr. Brassey) had placed on the Paper referred to the former subject only; but, inasmuch as the management of the dockyards was by far the more important and difficult problem of the two, he proposed to apply himself mainly to that branch of the subject. Good administration in dockyards could never be secured except by appointing competent men to manage them on the spot, with plenary powers to carry out, according to their own judgment, the instructions received from the Admiralty. The managers of dockyards would be held individually responsible for failure in the performance of their duties, and should receive a liberal recognition for faithful service. Having seen how vain the attempt has been to manage the dockyards from Whitehall, he could not but turn for guidance to his father's experience, which showed that a business, almost as large and complicated as that of the Admiralty itself, could be managed with success, by the delegation of the responsibility of local administration to well selected agents. Since he had the privilege of addressing the House on this subject, the loss of the *Megæra* had furnished another convincing proof of the entire dependence of the central office on the local officers in the dockyards. Mr. Reed, in his evidence before the *Megæra* Commission, disavowed any intention to undertake the supervision of 750 ships from Whitehall. He said that—

> "He did not consider that it had been any part of the Chief Constructor's duty to be responsible, or to see even that the master-shipwrights did their work thoroughly. A master-shipwright was the highest ship-building and repairing officer belonging to the Admiralty, and the office of the Chief Constructor and his staff was only that of adviser to the Admiralty on professional questions relating to that work. His own opinion was that, if any action were taken, which tended to weaken the responsibility of the dockyard officers, and to place the care of the ships in the Admiralty office, for every mishap that we now had in the Navy, we should have a hundred afterwards."

Mr. Barnaby expressed a similar opinion. Sir Spencer Robinson took the same view—

> "When," he said, "you put a man at the top of his profession, as a master-shipwright; you put the greatest possible confidence in him; you take such steps as you can to remind him of the importance of the work he has to perform, and any further interference would be disastrous to the best interests of the public service."

From what class, then, are the managers to be selected? A naval officer of the highest rank must be at the head of the dockyard, but for good workmanship and economy we must look to the professional officers of the yards. Whenever Admiral Superintendents have been before Commissions on dockyard management, they have universally declined to accept any responsibility either as to expenditure or workmanship, alleging that the professional officers were solely responsible. But if this be the case, the nominal responsibility of the Admiral for the internal economy of the dockyards, and the practice of requiring him to affix his signature to every document relating to ship-building, must be prejudicial to the public service. The great changes recently carried out in naval administration, seem to have left this serious evil untouched. In his evidence before the *Megæra* Commission, Mr. Andrew Murray said that—

> "While the Admiral or Captain-Superintendent was necessary in a dockyard as a head, he should not be concerned in its details, or in the management of the men. But, unfortunately," he said, "it is the case with the rules now—and they seem to be attempting to go further in that direction—that they take the power out of the hands of the principal departmental officers."

Mr. Reed urged very strongly a similar criticism—

> "The shipbuilding officers in the Admiralty have not," he said, "any power of controlling a dockyard, and if the result of this inquiry should be to establish an arrangement by which they should be authorized and enabled to look after the ships, I would consider it to be a very happy result."

But there has been no such position given to the professional staff of the Admiralty, and I believe, under the latest improvements, there have been no changes in that respect. There ought to be an organization by which there should be a professional officer in each dockyard, and a professional officer at the Admiralty, who should be looked to for the exercise of that responsibility, and who should have the means of exercising it. Mr. Reed further expressed an opinion that—

> "The naval officer should be consulted on all parts of the ship which relate to his professional work, but the want of a definition of the shipbuilder's duties, and of the naval officer's duties, worked very great mischief, and a great change in that respect was necessary."

In a dockyard, the Superintendent must always be required, as the local representative of the Admiralty; and his experience afloat—the more recent that experience the better—would enable him to exercise a most beneficial supervision over the equipment of the ships. But these duties were entirely distinct from those involved in the internal management of the yard. Having showed that we want the best shipbuilders in the country as managers of dockyards, we had now to consider what steps should be taken to induce the most qualified men to enter the public service. The pay should be gradually raised. The present salaries were entirely inadequate, when compared with the importance of the duties, or the corresponding salaries in the employ of private firms. Owing to the insufficiency of the salaries, we were continually losing some of the most valuable subordinate shipbuilding officers in the dockyards. The surveyors at Lloyds were almost all obtained from the dockyards. But large salaries were not the only means of making the employment attractive. The relative rank of the professional officer should be considered. The civil manager of each dockyard should have adequate relative rank. He could not see why he should not rank with, but after, a rear-admiral, or, at any rate, with, but after, a post-captain. Again, honorary distinctions had never of late been bestowed, though it was clear that meritorious services in the dockyards gave as good claim to the Order of the Bath, as the work in any department of the Civil Service of the Crown. The same neglect of our great naval shipbuilders was not manifested in former days, when Sir William Sepping and Sir William Rule were distinguished—and very properly so—by some mark of the favour of their Sovereign. That men of so much ability as some of the present master shipwrights should be induced to remain where they are, only shows how easily the Government might make such employment attractive. The professional officers should not be promoted workmen. Men promoted from the ranks often show that melancholy dread of responsibility which was so painfully exhibited in the *Megæra* inquiry. Sir Spencer Robinson gave a strong opinion on this subject when he said that—

> "Knowing the timidity, and the sort of want of straightforwardness which belong to the class from which many of those officials were sprung, he considered that, being aware that they had committed an oversight, the whole of their evidence was untrustworthy."

Sometimes the most suitable officer might be appointed from a private establishment, but as a general rule he would be found among the subordinates trained in the service. Occasionally a naval officer might have had an opportunity of showing a special fitnesss for the post. Having made a happy choice of a fit person, it remained to consider what modifications might be desirable in the duties of the appointment. The correspondence should be materially reduced. Sir W. Edmondstone told the *Megæra* Commissioners that the master-shipwright was more occupied in office work than in the practical part of his duty; and that he was completely dependent on the assistant master-shipwright and the foremen. The most elaborate returns, do what you will, afford no security for economy. Immediate skilful personal supervision over the labour employed and the conversion of materials can alone secure economical administration. Every master-shipwright should be relieved of the duty of appending his signature to documents which he signs as a mere matter of form. A highly qualified confidential secretary should be assigned to every master-shipwright, who should be authorized to deal with all matters of office routine. When a ship was to be built or repaired in the dockyard, the master-shipwright should be required to make a careful examination of the work, and prepare his own estimate. If this estimate were approved, and the work ordered, his name should be inserted in the Naval Estimates, in a separate column, opposite the figures for which he was responsible. This practice would tend materially to create a sense of individual responsibility, which would never be felt by officials who were allowed to screen themselves from criticism behind the nominal authority of the Controller or Admiral Superintendent. The various suggestions which had been proposed could not be adopted, unless the Admiralty felt justified in placing implicit reliance on their staff. Personal confidence between principal and agent could only be established after many years of careful training and thorough trial in subordinate positions. The head of a private business had the means of putting his agents to such a test; but in the public service, under a Parliamentary system, where political and personal considerations caused frequent changes, the same opportunity of long continued observation of the conduct of subordinates was rarely given to a Minister at the head of a Department. At the same time he was convinced that the more we decentralized, the more vigorous and economical our dockyard administration would be. Among the illustrations which might be adduced to show the evil effects of excessive concentration of authority at the Admiralty, none could be more striking than the present arrangements for the promotion of workmen. The events which were daily occurring around us, showed the difficulty of managing large bands of workmen. The professional officers were responsible for workmanship and economy in dockyards, and yet the artizans employed under their directions were placed under the Admiralty Superintendent for the regulation of discipline, while their promotion depended on the will, or at least, on the approval of the Controller in London. The Controller could have no knowledge of the individual merits of the workmen, but his nominal intervention deprived the local officers of their legitimate authority over the men. It was because the central authority had no other means of testing the capabilities of the workmen that recourse had been had to the plan of applying a literary test to artizans who were candidates for promotion. The qualifications required were manual skill and diligence; but inasmuch as the central authority would not trust the local officers, the aspirant workman was tested by examination papers, although it must often happen that the most skilful artizan with the pen was the least skilled in the use of the adze and the saw. With regard to the tenure of office of the Superintendent, who was a temporary, and of the master-shipwright, who was a permanent officer, if the latter were raised to the position of manager of the yard, there seemed no reason why the present rules as to the appointment of Admiral Superintendent should be changed. Before finally quitting the subject of dockyard economy, he would urge the importance of avoiding spasmodic and violent alterations in the shipbuilding programme. The right hon. Member for Pontefract had very wisely laid down a scheme for the production of a given quantity of armoured and unarmoured ships each year. The number of workmen, the supply of materials, the arrangement of the machinery, must be regulated with reference to the amount of work proposed. As regards the armoured ships, our policy must mainly depend on the preparations of other Powers. The condition of foreign navies was accurately known, and no important changes could be effected suddenly, or without our knowledge. The unarmoured ships could be rapidly produced whenever required, both in public and private yards. A large staff of workmen would not therefore appear to be necessary for the sole purpose of building vessels of that class, though enough must always be retained to undertake repairs of the fleet. Encouragement was much wanted, both for workmen and sub-officers—such as foremen. A percentage on profits, where there were none, could not be offered; neither could a percentage on savings be proposed without the risk of important work being scamped. But a distribution of gratuities to deserving workmen, on the satisfactory completion of any difficult work, might be a valuable stimulus to exertion. He would now say a few words on the government of the Navy by a Board. He had on a former occasion supported without reserve a Motion very similar to that now introduced. Further consideration had induced him to withdraw from his former position. The inquiry held before the Duke of Somerset's Commission, and the strongly expressed opinions of Sir John Hay, Sir Frederick Gray, Sir Alexander Milne, and Sir Sydney Dacres, had convinced him that he was ill-advised in advocating the dissolution of the Board. When the First Lord was—as it usually happens—a civilian, it must be right that he should have an opportunity of hearing more than one opinion on a controverted naval question. It must also be well that all the members of the Board should have a general knowledge of the proceedings of the Admiralty. Again, in matters of patronage it must be undesirable that a Minister should be entirely dependent on a single adviser. The Navy was a scattered service. Only a certain number of officers could ever have served under the personal observation of one individual, and it must be impossible for an Admiral to place the same confidence in officers he has never seen in service, which he feels in those who have been under his own command. Hence an inevitable tendency to a select band of followers. The presence of other officers at the council table of the First Lord would secure fair consideration for the claims of those who were not personally known to the First Sea Lord. It did not follow that the advice of the Board should impair the authority of the First Lord. In commercial life many boards were governed by the chairman with autocratic power. How much more easy must it be to secure a similar supremacy at the Admiralty, where the authority of the First Lord was effectually protected, both by usage and by the influence due to those personal qualifications, without which he would not have been selected to fill such an important post. The charms, too, of antiquity are universally recognized in an ancient country; and if by wisdom in practice all that is objectionable in point of form could be effectually remedied, it would not be wise to make a change on theoretical grounds. At the Admiralty—as in other departments of the Government—

"That which was best administered was best."

The hon. Gentleman concluded by moving the Amendment of which he had given Notice.

Amendment proposed,

To leave out the words "Secretary of State," in order to insert the words "a Board of Admiralty with such modifications of constitution and procedure as experience has shown to be desirable,"—(*Mr. Brassey*,)

—instead thereof.

Question proposed, "That the words 'Secretary of State' stand part of the Question."

SIR JAMES ELPHINSTONE in seconding the Amendment, said, he thought the discussion premature, as upon the Navy Estimates the House would hear more distinctly what the policy of the Government was to be. The tenor of the argument of the hon. Member for Lincoln seemed to be that seamen knew nothing of ships and nothing of navigation. He agreed almost entirely with what the hon. Member for Hastings (Mr. Brassey) had said. Some years ago he (Sir James Elphinstone) had moved Resolutions for the purpose of strengthening the Board of Admiralty, and he still adhered to the opinion that the great defect at the Admiralty was the want of power and the placing of an enormous amount of work upon the officials there. The same might be said of every Department of the State. The Judges were dying of hard work; it was the tendency of the Administration to heap more work upon public servants than they could possibly perform with justice to themselves and to the State. There was one office which he was sorry to see abolished, and which he cordially welcomed when established by the right hon. Member for Pontefract (Mr. Childers); he meant that of Chief of the Staff. The position of Chief of the Staff was, in his opinion, a most important office, because the person filling it was one with whom inferior officers could communicate with much more confidence than with the First Lord of the Admiralty. Take the Coast Guard, the divisions of which were commanded by some of the most distinguished officers of the service—these could communicate with the Chief of the Staff, and discharge their business much better in that way than by directing their communications to the First Lord of the Admiralty, who had various functions to discharge. The Resolutions which he proposed on the occasion to which he had referred were not his Resolutions; they were drawn up by some of the most experienced officers of the Navy, who contemplated and forecast almost everything that had since happened. They foresaw that an emergency was about to arise in which it would be absolutely necessary to have our Navy reconstructed in a form and on a scale quite unknown in this country before. They saw the old ships, built for £120,000 vanishing from the face of the earth, and their place supplied by vessels which would cost £500,000. In view of that change the object of the Resolutions was to strengthen the professional arm of the Admiralty, and to give the First Lord the very best professional advice. And here he must differ from his hon. Friend in holding that sailors knew more about ships than engineers. The consequence of the Admiralty being starved was that they had fallen into one mistake after another. We were now gradually getting into something like a policy. We had a considerable number of seaworthy ships, though he thought they were all overmasted, and in other respects not quite what they should be. But it was absolutely impracticable to have all things combined in a sea-going iron-clad. She must be a compromise in any case, and as to our last iron-clad, the *Devastation*, he must implore that she should not be sent to sea until after the Equinox. He had had a good deal of experience, and he must say that he would not go to sea in her unless there was the gravest necessity. She was perfectly suited for harbour defence, she had the most powerful engines of destruction, but he did not think a ship of her construction could perform the services for which she had been built. Then as to the changes in our dockyards. We never heard of any Member in the House getting up and calling on the Government of the day to reduce the corps of Royal Engineers; and yet there was hardly a Gentleman who came into Parliament with any small mechanical knowledge who did not endeavour to break up establishments which were of the greatest importance to the public. Before the establishment-men of the dockyards were broken up they were not only a body of the best behaved and most perfect mechanics, but they were also a half military corps, being trained to the use of artillery, and quite ready to defend the dockyards should the force to which that duty was intrusted be called away. The best policy which the Government could possibly adopt would be to re-establish a highly qualified and educated corps — he did not mean men having mechanical knowledge merely—for the purpose of construction, reconstruction, and repairs of ships, and to make them as stable a body as the Royal Engineers. The change to which he alluded had operated in the most unfavourable manner. The continual terror in which the men were kept lest there might be some alteration to their prejudice made it an absolute duty in those who represented the arsenals to endeavour to reassure them. And here he must bear his testimony to the excellent conduct of these men during the strikes which were so prevalent throughout the country. They had behaved in the most temperate and orderly manner, and that under very trying circumstances. If we looked at the price of provisions, of coals, and of all the necessaries of life, these men were nearly 60 per cent worse off than they were 10 years ago, and their pay was very much less than what they would get in private yards. They had behaved, as he had said, with the most perfect propriety during the whole of this most trying season; they now looked to the Government to take their just claims into consideration, and he hoped they would not be deceived. The great use of our Navy in times of peace appeared to him to be to maintain a body of well-trained officers and well-trained and contented men, and the great facilities there were for service in quelling the slave trade on the coast of Africa, in taking charge of our colonies on the coast of China and other parts of the world, and in discharging the duty we had imposed upon ourselves of maintaining the police of the seas, made it easy for us to keep up small squadrons of ships in various quarters in a state of perfect efficiency.

MR. R. W. DUFF said, there was one class of men who had been rather hardly used in the course of the debate, and that was the naval officers. The hon. Member for Brighton (Mr. White) went out of his way to compare the number of Admirals with the number of ships; but it did not appear to have entered into the calculations of the hon. Member that in proportion as we increased the strength of our ships we must increase the number of officers on half-pay. One iron-clad was probably equal to six vessels that used to be afloat when the majority of our Admirals entered the service. Whatever might be said of naval officers, they were very sensitive of their reputation, and he should be sorry it should go abroad uncontradicted that these men were a mere burden to their country. Most of them had served their country well, and their patriotism would bear comparison, at least, with that of the hon. Member for Brighton. It should be further borne in mind that the half-pay these officers were receiving was miserably small, being in many instances less than what the colliers in Lanarkshire had struck work on. The hon. Member also talked of the influence at work at the Admiralty. No doubt there was a time when political jobbery existed at the Admiralty, but he believed that time had gone by. Notwithstanding all that had fallen from him, the hon. Member for Lincoln (Mr. Seely) would not, he believed, deny that, in spite of all the shortcomings of the Admiralty, we had got a more efficient Navy than any other country in the world.

MR. LIDDELL considered a change in the constitution of the Board of Admiralty perhaps the most important administrative change which the House could be called upon to make, and the question he naturally put to himself was whether they were really sincere in asking for it. Certainly the numbers in the House, and its general attitude during this discussion, did not enable him to answer that question in the affirmative. There always had been one great defect in the constitution of the Admiralty — namely, its want of continuity of action and permanence of policy, and that defect remained unremedied to this hour. But why was there this absence of continuity of action and permanence of policy? Because they insisted on having a political chief at the Admiralty, and he believed that so long as this was the case they would have to regret the absence of these two elements. He had never been able to get any answer to the question why they had a permanent chief in the sister arm of the service—the Army—and had nothing of the sort in the Navy. The hon. Member for Brighton talked about Ministerial responsibility; but he ventured to think the responsibility of the First Lord of the Admiralty was a great deal more ideal than real. There had been occurrences which had roused the heart of the country and filled England with sorrow, alarm, and dissatisfaction; but he had never seen them satisfactorily accounted for or responsibility brought home. Theoretically, the First Lord was responsible, but not really. The civilian who was selected to fill that office found himself suddenly seated at a table with three or four naval men of the highest standing, the longest experience, and a minute knowledge of every detail of the Navy. How could he be responsible in the face of his advisers for the discipline of the Navy, the allocation of the fleet, and the construction of ships? The First Lord must, in such a position, be entirely in the hands of his advisers. When he had served his apprenticeship and acquired some knowledge of the situation, he was either transferred to another position or was obliged to leave office altogether in consequence of some Ministerial change, and the whole thing had to be done over again. That was a defect in the constitution of the Board which would not bear argument. Responsibility had a double action—the man who bore responsibility should feel it, and those who imposed responsibility must, when the occasion arose, be in a positon to enforce it. Within two or three days after the right hon. Gentleman entered the Admiralty, the *Megæra* left Sheerness; she was proved to be unseaworthy before leaving the Channel. There was an Admiralty order then in existence that any ship so found to be unseaworthy should return to her port to be repaired; but that order was not obeyed; she left Queenstown in violation of that order, and they all knew what had occurred. Was there any Vote of Censure on the First Lord? Certainly not. He had only been at the Admiralty two or three days, and might not have known of the existence of the order; but if there had been a trained and permanent head of the Admiralty, Parliament would not have hesitated to enforce responsibility, and the country would have supported Parliament in doing so. That could not be done so long as they had a shifting head. Allusion had been made to a letter written by Lord Clarence Paget, who was well qualified to write on the subject, for he had just then returned from a five years' command of an iron-clad fleet; he had been at the Admiralty himself; and he said that those iron-clads were not safe either at sea or at anchor unless they were under the full power of their steam. Civilians could not help coupling such statements with the grounding of the *Lord Clyde* and the stranding of the *Agincourt*. People asked how such things happened, and could never get an answer to the question—Who was responsible? He wished Lord Clarence Paget would write again now, for many things had happened since his last letter. There had been a collision between the *Bellerophon* and the *Minotaur*. They had heard of the *Sultan* touching ground somewhere, and of the *Northumberland* hanging upon the prow of the *Hercules* in the roads of Funchal, and yet nobody was responsible. A naval officer had stated that out of six iron-clads composing the Channel Fleet, three were shaky at the bottom. He wished Lord Clarence Paget would ask, with the authority due to his position in the Navy, whether the *Northumberland* and the *Hercules* were provided with anchors and chains corresponding with their weight. He very much doubted whether that could be shown. The House was entitled to ask for explanations on all these points. Of course, there were Courts-Martial to adjudicate on facts; but he was referring to matters of naval administration, and the responsibility for naval administration seemed to be more nominal than real. As to stores, he was glad a Committee had been appointed upon this subject, and thought that good might come of the inquiry, especially with reference to the working of the new purchase system at the Admiralty. Another point worth notice was that inventors seemed to find great difficulty in getting heard at the Admiralty, and in testing even good inventions. Was the best anchor in use in the Navy? He very much doubted it. His hon. Friend (Mr. Seely) wished to put our great naval yards upon the footing of private undertakings. But it must always be remembered that in public establishments the feeling of self-interest was wanting. It was like requiring a vast workshop, all the machinery in which was driven by one steam-engine, to work without steam. You could not in a public yard have the stimulus which was afforded in a private undertaking, where capital, character, and livelihood depended upon a man's success. He gave the utmost credit to the officials in our dockyards for their devotion to duty, but this one feeling must always be lacking; and, further, what was wanting was a permanent head at the Board of Admiralty, whether a civilian or a naval man. He could not agree with his hon. Friend (Mr. Seely) that Naval Lords were appointed from political reasons. One of our most eminent sailors was Admiral Milne, who had served in the Admiralty under a Conservative Administration, and was still a member of the Board. But what was wanted was permanence given to the action and policy of the Board by the appointment of a Naval Commander-in-Chief.

Mr. GOSCHEN: The natural result of a Motion such as this, and a debate such as this, is that it must afford the opportunity of bringing into prominent notice almost every disaster which has happened of late years in the Navy, and every act of maladministration; that it must attack the character of many administrators at various periods; and that these attacks and charges are so various that it is almost impossible, in replying, to notice them all. The speech of my hon. Friend the Member for Lincoln (Mr. Seely) was directed mainly to two points —the constitution of the Board of Admiralty and the substitution of civilian for naval officers in the Department of Controller and as Superintendents of the naval yards. It is easy for me to state my opinion upon those two points. But the hon. Member, in substantiating his case, alluded to a great deal of historical matter, and was followed in that by other hon. Members, so that if I were really to give an exhaustive reply to the speeches made, I should have to deal fully with the whole case of the *Megæra;* I should have to explain the history of the collision between the *Minotaur* and the *Bellerophon;* I should have to enter upon the question of anchors and cables; to revive the debate upon the circulars respecting coals; to explain the mishap to the *Lord Clyde* and the *Agincourt*, and the construction of the *Devastation;* in fact, there would be no end to the speech which it would be my duty to make. On the other hand, let me say with great earnestness that it is painful to me to leave these things unanswered. It is, however, impossible, in a speech in reply to a Motion like this, to give a full explanation; and, whilst this is so, I must be in this position—that I see statements go forth that must remain partially uncontroverted until the proper opportunity comes. I shall be most happy to answer any question that may be put in the usual way; but to deal with all these matters in a single debate is beyond my powers. If, however, I have felt some pain at the revival of all the recent mishaps in our naval annals, I feel still more pain at some observations from the hon. Member (Mr. Seely), the effect of which, I think, he scarcely anticipated. The practical effect of a portion of his Motion is to convey the impression that the officers now performing the duty of Controller and Superintendents of the yards are not competent. It will have been observed, however, that first of all he assigns to them certain duties, and then states that they are incompetent to perform not their actual duties, but the theoretical duties which he himself assigns to them. The hon. Gentleman said in respect of the naval officers of whom he spoke that he did not understand what they were doing; that they got large salaries, and that he objected to their receiving those salaries until he knew what they got them for. I can assure the hon. Gentleman that those officers perform great and laborious duties, and in a manner which would excite his admiration were he acquainted with them. It is but just to the officers in question that I should bear this testimony to their most valuable services. I must ask the House and the public to assume that in respect of many of the cases of alleged maladministration, there is a complete defence, although it is impossible for me to enter into those matters of detail to-night; and, on the other hand, I ask, is there a single establishment of the enormous size of the Navy—is there a single company with so large a number of ships—is there one undertaking managed privately or by a Board that has not had its disasters, and very much in the same proportion as the Navy? And yet every disaster that happens in the Navy is assumed to be the consequence of Admiralty maladministration. You cannot have an enormous fleet at sea without occasional disasters occurring. And while I deeply regret the events which have occurred, I congratulate myself — I congratulate the Admiralty — far more, I congratulate the gallant officers in command of our ships on the fact that we have had—owing to their skill—so few disasters at a time when storms were unexampled in severity. The House will forgive me if I do not go further into this part of the question, inasmuch as the hon. Member has not attacked the present Admiralty. But he has attacked the Admiralty in the way that so many hon. Members in the House, and so many other persons out of the House, have been accustomed to do — namely, by magnifying every accident which happens, and exhibiting it as a sign of the decline of the Navy, forgetting that accidents are as numerous in foreign navies, if not more numerous than in our own. I venture to make these preliminary observations with a view to lessen the effect which statements such as we have heard are calculated to have on the country if they remained uncontradicted. I assure the House that we are fully conscious of our responsibility and of the administrative shortcomings to which we are liable; but I am anxious that there should be no exaggeration as to the facts. I must say I regretted to hear the statement made by the hon. and gallant Gentleman the Member for Portsmouth (Sir James Elphinstone) with regard to the *Devastation.* I can only say that the able officers at the Admiralty — the Naval Architect and the Constructors—are fully alive to their duty and responsibility, and that nothing will be left undone which is calculated to secure the safety of the ship referred to, and every precaution and means will be taken to sift everything connected with that ship to the very bottom; but we do not entertain the opinions of the hon. and gallant Gentleman. I now, Sir, address myself to the Motion before the House. My hon. Friend recommends the substitution of a Minister of State for the First Lord of the Admiralty, and the abolition of the Board. He has been partly answered by other hon. Members who have spoken; but I wish to point out that while objecting to my illustration of the word Board in connection with railways, my hon. Friend wished to assign a particular meaning to the word Board in the case of the Admiralty, and then dealt with the special meaning thus assigned. The fact is, the Board is now a Council, and a most efficient Council it is—one with which I should be very unwilling to dispense. But let it be called a Council or Board—or give it no name at all—always provided its members give their advice under a sense of responsibility. It is not the name, it is the thing that is of importance; and I have stated before as strongly as did my right hon. Friend the Member for Pontefract, that the action of the Board is never to be a cloak to cover the responsibility of any of the members of the Board in their separate departments. They meet in Council; but that fact does not relieve them of doing the work specially assigned to them, or of responsibility for that work. My hon. Friend says that the Board meet every day. What is done is this—The members of the Board and the Controller and Secretaries meet for a short period every morning to see what the main points of interest are arising out of the correspondence of the day. They meet to exchange views, and to become thoroughly acquainted with what is going on, and I attach great importance to those daily meetings. Then, there are generally two meetings a-week of the Council—if I may so call them—to discuss the higher and more important questions affecting shipbuilding, naval discipline, and other matters as to which it is desirable that the views of the naval members of the Board should be ascertained. My hon. Friend says it would be better to have a permanent Council than a shifting Board; and he suggests that at present the members of the Board are chosen from political considerations. That statement has been replied to by the hon. Member opposite (Mr. Liddell), who said that, at all events, the present Government has shown an example to the contrary. I assure my hon. Friend that I am actually unacquainted with the political opinions of two out of the three naval officers at the Board. They are eminent sailors, and as such they advise the First Lord, and assist in the conduct of the public business. I can tell my hon. Friend that there is no truth in the assertion to which he referred, that a suggestion was made to a gallant Admiral that he should fight the county of Antrim if he wished to sit on the Board. I am only astonished that my hon. Friend takes such statements in the Service newspapers as gospel. But it is perfectly true that I should be glad if Admiral Seymour were in the House, as it would be an advantage to the Service and to the House if he were here; and, in corroboration of that view, I need only refer to the great advantage it is to my right hon. Friend at the head of the War Office to have the able assistance in this House of my right hon. Friend the Surveyor General of Ordnance. I regret, for the sake of the House and the Service, that there is not some naval officer on this side as well as on the other. Political considerations ought, as little as possible, to influence the choice of naval members of the Board; and, in fact, they have not influenced the present or the late Government. Sir Sydney Dacres sat under different Administrations, and so also did Sir Alexander Milne. But my hon. Friend says that, at all events, it is desirable that the members of the Board should be permanent, and not shifting, and he quoted words of mine in favour of continuity at Whitehall. Well, I have, as far as possible, endeavoured to establish continuity of administration. I have made the Controller a permanent officer, and I have appointed a permanent Naval Secretary. With respect to the permanency of the other members of the Board, I am quite aware that an argument might be urged in its favour; but, on the other hand, the naval service might say that there is considerable advantage in having a flow of naval officers through the Admiralty—officers who would bring to the discharge of their duties the fullest and the latest knowledge as to the state of the Fleet and as to the different requirements and feelings of the service from day to day. You thus secure the modern as well as the older opinion, and that both as regards the Navy and the dockyards, and that I consider a matter of no little importance. What I particularly should wish to realize is that naval officers should be instructed in the working of all the departments of the service, and that they should be imbued with the idea that they have to perform administrative duties as well as to command ships. In foreign countries, the same rule is observed. In France, they pass as many of their officers through the Admiralty as they can. I have a very strong feeling upon that subject, because I have seen that, whenever there is an antagonistic feeling between the civilian and the naval element at the Admiralty, confusion and disadvantage to the country have followed. And now with regard to the administrative powers which naval men possess, it should be remembered that admirals and captains do not simply command ships, but have also to undertake a system of administration upon a great scale. A Commander-in-Chief in the Mediterranean may have to administer the affairs of 4,000 men under his command, and officers are thrown so much upon their own resources in all parts of the world that, in addition to an intimate and minute acquaintance with their ships, they may be said to receive a special training in affairs of administration. The hon. Gentleman asks me why the Controller should be permanent and the Naval Lords not. I answer that the former has got more difficult and complicated matters to deal with than have the Naval Lords; and, therefore, there is a great reason for the distinction. The permanent staff are, no doubt, invaluable, and I do not lose sight for a moment of the assistance they render to the Department; but so far from thinking that it is a disadvantage that an officer fresh from service should take office at the Admiralty, I look upon it as an advantage. With reference to the present state of affairs at the Admiralty, the new system, as far as I am aware, is working entirely satisfactorily. A question has been asked about the conduct of business at the Admiralty during the absence of the First Lord, and my hon. Friend suggested the appointment of a deputy First Lord. My hon. Friend did not, however, say whether the deputy First Lord should be a civilian or a naval officer. It is a question of considerable importance whether such an officer should be a civilian or a sailor. If the latter, in what position would he stand with relation to our first naval adviser? It is possible, owing to the nature of our constitutional arrangements, that the First Lord may be either a civilian or a sailor; and this being so, it is clear that the next in authority should be a naval man. If the deputy First Lord suggested by my hon. Friend were a sailor of high rank, the difficulty I have alluded to presents itself; if he is of lower rank, how will you get officers of superior rank to act as his subordinates? And then what is to become of the question of money in case of the absence of the First Lord? My hon. Friend would say that you must be so careful in your choice as to be able to place full confidence in him. Well, if he were a permanent officer the First Lord of the Admiralty would have no choice in the matter; and if he were not a permanent officer, I doubt whether Parliament would confide the expenditure to any officer who was not responsible. That is a great difficulty in the matter. Parliament insists upon keeping so strict a financial control, that the Admiralty cannot even give a gratuity above a certain sum without first referring to the Treasury. I come now to the question of the Controller, and here let me say that I was very sorry to hear what fell from my hon. Friend with reference to Captain Hall. The suggestion made by my hon. Friend was one of those suggestions which unfortunately are not only not warranted, but are calculated to cause considerable pain. In respect to Captain Hall, he was considered to possess excellent qualifications when he was appointed to the post of Superintendent and afterwards Controller; but it is now alleged that he had been removed from his office in consequence of the building of the *Osborne*. It was true that he had left his post, and been appointed permanent Secretary to the Admiralty; but there was no connection between this change and the building of the *Osborne*. When a case of mismanagement or inefficiency occurs, we continue to hear of it for three or four Sessions, until it is thoroughly worked to death. The very iteration of the disasters that are alluded to Session after Session, really seems to show how few cases of the kind occur. My hon. Friend has been hammering away at the Admiralty, with more or less success, from 1865 to 1873, and a few cases have served him from year to year. The *Megæra* will last for three or four Sessions, and the *Osborne* has already lasted two Sessions; but I would ask hon. Gentlemen whether as a rule—though it is no doubt questioned whether work is performed as economically in public as in private dockyards—there is any doubt at all as to the quality? It is not right to pick out an isolated case of bad workmanship, and instance that as a specimen of the work performed in the Government dockyards. Do the private shipbuilders of this country manage their affairs so well as to turn out all their work perfect? Is there a shipbuilder in the world who has succeeded in escaping criticism in respect to some part of his work? Indeed, I cannot help thinking that the few charges which are brought against the Department is one of the best proofs of its efficiency. My hon. Friend has made a great and cardinal mistake in supposing that it is the duty of the Controller to be a naval architect. The naval architect is a most important officer of the Admiralty, but he is not the Controller; and when Sir Spencer Robinson said of certain matters that he referred them to the naval architects, it did not prove that he was a bad Controller, but that the question was not within the particular sphere of his duties. The duty of the Controller is not to make calculations about the building of ships; that is a matter for the naval architect. Nor is it to give directions about engines; that is a question for the engineer. My hon. Friend only did justice to the great public services of Sir Spencer Robinson; but his general argument was that, because he was not a naval architect, he ought not to have been Controller. That was a great mistake. That he was a most efficient Controller is recognized by the country at large; but I understand my hon. Friend to argue that a professional naval architect ought to be Controller. [Mr. Seely dissented.] My hon. Friend does not deny that the main defect he found in the Controller was that he was ignorant of naval architecture, and that he was not a professed naval architect. If he had formed a proper conception of the duties of the Controller he would see that this part of his case was not well-founded. It was the duty of the Controller to look at the condition of the Navy; to inform himself as to the state of every ship; to decide whether particular ships were worth repair or not; to advise the Board of Admiralty from a naval point of view, and to state whether the designs of the naval architect can be depended on. The naval architect brings you designs of the class of ships you require to be built; but the Controller advises the Admiralty as to the various qualities which the ships ought to possess. He is expected to know something about every point of a ship—the system of masting, of rigging, and an infinite number of details which only a sailor can understand. A ship might be sent to sea that was efficient so far as the naval architect was concerned, but which, but for the supervision of the Controller, would not satisfy the wants of the service. The case of the Admiral Superintendent of Dockyards is analogous to that of the Controller. My hon. Friend asks what man of sense would ever wish that the post of a Superintendent of Dockyards should be held by a naval officer? I will tell him: Every man who goes to sea in the ships that are being built in the dockyards. My hon. Friend has quoted the opinions of civilians of eminence and of men of science; but the opinion of the great service which intrusts its lives to these ships ought to be considered. My hon. Friend spoke favourably personally of Admiral Stewart; but expressed his doubts whether he was competent to perform the duties of Controller. What have been the antecedents of Admiral Stewart? He has been flag captain of the North American station, and afterwards flag captain of the Mediterranean station, and as such had under his eye a vast amount of business. It was his duty to become acquainted with every ship. He had the opportunity of seeing the correspondence relating to most of them. That was his first training as a man of business, and as something more than a mere sailor. He was then three years flag captain at Devonport, in which capacity he saw a portion of the working of the dockyard, although he was not responsible for it. Then Captain Stewart was for five years Superintendent of Chatham Dockyard, where he superintended the building of modern ships of the greatest importance. During that period he became fully acquainted with the ins and outs of the dockyard. He was afterwards Admiral Superintendent of Devonport, and subsequently of Portsmouth, Dockyard. The consequence is that the present Controller of the Navy, who is responsible for the shipbuilding and administration of dockyards, has had all the experience necessary for such a post. He has not only been at sea, but has been in and out of every shop in these dockyards, and seen every ship that was in course of being built there. Admiral Stewart knows all the principal *employés* at the dockyards, and, indeed, I know of no man who knows them so well. My hon. Friend points to things, but Admiral Stewart knows the men, and the government of the men constitutes one of the greatest difficulties of the changes which the hon. Member for Lincoln proposes. I have dwelt upon the experience of Admiral Stewart, because the post of Controller is a most important one, and it would be wrong to place in it any one in whom the Admiralty had not confidence. Looking, however, at his previous experience as a manager of three dockyards and as acquainted with every detail that he has had to superintend, I contend that we could not have found a better man for the post of Controller than Admiral Stewart. I admit, in answer to the hon. Gentleman the Member for Hastings, that shipbuilding is a most important portion of the work done in dockyards; but it is not the only work done there. It does not constitute one-half of the work done in the dockyards — not, perhaps, more than one-third. There are captains coming in and out, ships being put in commission and going out to sea, and the Admiral Superintendent is the connecting link between the service afloat and ashore. Much of the duty which the Superintendent of a dockyard has to discharge could be ably done by a civilian—possibly, indeed, better than by a naval officer; but there is also a great deal that he could not do so well. A captain, for instance, comes in and makes a demand for a certain number of stores. Or perhaps he points out defects in his ship. If the captain were overruled by a civilian, and went to sea, and if it were found that he had not sufficient stores, an opinion might prevail that the naval view had not been sufficiently considered, and the captain might take such measures as would defeat your civilian Superintendent and cause a conflict between the civilian and naval element which I should greatly deprecate, as disadvantageous to the service. My hon. Friend the Member for Hastings still retains the opinion that the Superintendents of dockyards ought to be civilians. [Mr. BRASSEY dissented.] I thought he said that naval officers were not competent to perform the duties of Dockyard Superintendents. But whom would he select to fill those posts? He said he would not take dockyard officers who have risen from the ranks. But most of our ablest dockyard officers and naval architects have risen from the ranks. What better class of men could my hon. Friend obtain for the purpose, from his point of view? Would he take a shipbuilder who had never been to sea, and who would have to deal with the captains, who would come to him day after day to consult him as to the defects which had occurred to their ships? And, indeed, generally speaking, shipbuilders are not naval architects. It is not every shipbuilder who can himself design a ship. There is a technical side to a dockyard, and there is an administrative side; and it would be an error to say that the man who is the most capable to build a ship is therefore the best administrator to place over large bodies of men. I doubt whether even my hon. Friend would say he would take for the administration of the dockyards men who are without experience in nautical affairs. At the same time, I admit there is some force in the objections raised to the present tenure of office. It may be right that the officers should retain their posts for a longer period. Indeed, I freely admit that there are many matters connected with the suggestions of my hon. Friend the Member for Hastings which are well worthy of attention; but they do not go to the point of the Motion. I have dwelt upon this point longer than I should otherwise have done, partly because my hon. Friend the Member for Lincoln (Mr. Seely) made so able a speech that it necessitated a full reply. In conclusion, I wish simply to insist on the point which I have already put before the House more than once. It is that we should endeavour to interest our naval men, as far as possible, in our administration, rather than separate them from it altogether. Do not exclude them entirely from the administration. Great improvements may possibly be introduced into the dockyards; and I can assure the House that everybody connected with the Admiralty is perfectly alive to the great difficulties we have to encounter in the dockyards, and that they are occupied in devising remedies for existing evils. I do not think, however, that the adoption of the Resolution of my hon. Friend would lead to a satisfactory solution of the question.

Mr. SEELY, in replying, said: In answer to my hon. Friend the Member for Northumberland (Mr. Liddell), who said that the members of the Board of Admiralty are not selected for political considerations, and who gave as an instance the appointment of Admiral Milne, I would only say, that the fact remains unquestionable that the average tenure of a Lordship of the Admiralty during the last 30 or 40 years has been about three years. With regard to the Board being now a Council, I have no objection to a Council, but only to the mode in which the present Board, or Council—call it what you will—is appointed; composed as it is of men without any special fitness for their office, and who are frequently changed—for these facts are undeniable. As to the argument of the First Lord, that because naval officers have to sail their ships and fight them, they must necessarily build them, I would only observe that the Cunard and other great steamship companies manage to get their magnificent fleets of ships built in yards which have no naval officers as their managers. With regard to naval officers generally, I must say I have a very high opinion of them. I admit their bravery, frankness, manliness, and other good qualities; but, at the same time, I do not think their education is at all likely to fit them to manage and superintend large bodies of intelligent artizans. I am not aware that there is any other particular point to which I need advert.

Mr. BATES said, he knew the owners of the Cunard line and all the private shipowners in Liverpool sent their vessels to be fitted out and rigged in yards which were superintended by sailors who did all that was required without reference to the owner or any other party. He must, therefore, endorse the statement of the First Lord of the Admiralty that sailors, and sailors alone, ought to superintend the fitting out and rigging of the ships belonging to the Royal Navy.

Amendment, by leave, *withdrawn.*

Original Question put.

The House *divided:*—Ayes 13; Noes 114: Majority 101.

RECORD OF TITLE (IRELAND) ACT (1865) AMENDMENT BILL.

LEAVE. FIRST READING.

Sir ROBERT TORRENS, in moving for leave to bring in a Bill to amend the provisions of "The Record of Title (Ireland) Act, 1865," quoted the Lord Chancellor of Ireland, the Master of the Rolls in Ireland, and Lord Cairns in support of the desirability of introducing registration in Ireland, which was prepared for it by the completeness of its Ordnance survey and its subdivision into townlands. But above all by operation of the Landed Estates Court, which placed titles to all intents for the purpose of being dealt with under the system of registration of titles in the same position as newly-issued Crown Grants in the Colonies. The system of registering titles that had been adopted in the Australian Colonies had proved very beneficial—and many attempts had been made for adopting it in England. These, however, from various causes, had proved unsuccessful; but he thought the time was now come when it had become necessary to introduce land registration at least in Ireland, where the Land Act had introduced such a variety of complications.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present.

After a few words from Sir Francis Goldsmid,

Motion *agreed to.*

Bill to extend and amend the provisions of "The Record of Title (Ireland) Act, 1865," *ordered* to be brought in by Sir Robert Torrens, Sir Colman O'Loghlen, Mr. Pim, and Mr. Matthews.

Bill *presented,* and read the first time. [Bill 79.]

PUBLIC WORSHIP FACILITIES BILL.

(*Mr. Salt, Mr. Cowper-Temple, Sir Smith Child, Mr. Akroyd, Mr. Dimsdale.*)

[BILL 27.] SECOND READING.

Order for Second Reading read.

MR. SALT, in moving that the Bill be now read a second time, said, it was similar to the one on the same subject that had been before the House last year. He stated that its object, as its title indicated, was to afford facilities for public worship, and that it consisted of three parts. The first proposed to provide services where the incumbent was willing that they should be held, and to protect the person so placed in the parish from arbitrary interference by any succeeding incumbent. The next part of the measure provided that where the incumbent objected to the plan it should be possible to introduce a minister on an application from a certain number of parishioners; and there were provisions to protect the minister from undue interference. The third part of the Bill contained provisions for giving facilities for public worship in chapels attached to private houses. He would leave these points to be discussed in Committee; but he might state that the objection raised last year by the hon. Member for Cambridge (Mr. Beresford Hope), that the measure would interfere with the parochial system, had not been strengthened by the information he had been able to gather in the interval. There were cases in which men having charge of large populations refused to have any external aid in their parishes, and in such cases he thought a remedy ought to be provided. The hon. Gentleman concluded by moving the second reading of the Bill.

MR. BERESFORD HOPE said, that last year he took a division on the second reading of the Bill, but was willing now to let it be read a second time, and afterwards to move its being referred to a Select Committee. He took this course because he freely acknowledged that the Bill was an improvement upon that of last year, for it gave the incumbent the nomination of two out of the five Commissioners who were to judge each case—and it also contained a faint recognition of the principle for which he contended, that the incumbent would have the option of providing the additional facilities of worship before he was subjected to the penal intrusion of another clergyman; still, he did not think it a safe measure as it stood. The main danger of the Bill was that which arose from divisions of opinion amongst parties in the Church. He did not think the Bill provided a sufficient safeguard against any set of men in the Church trying, not so much to take hold of the waste places in the land, where the worship of God was practically unknown, as to invade the territory of an active clergyman, whose forms of worship might be suited to the feelings of the parishioners, while these were not to the taste of the propagandist organization, in whose hands every parish might become the battle-field of polemic strifes. The true method, in his opinion, to avoid this danger would be to make the measure one which would deal with the quantity and not the quality of the worship to be supplied. For this purpose, the Bill ought to contain a provision by which a clergyman should have ample time to provide such special and additional means of grace as the parishioners might desire—supposing the demand to be judged reasonable—in his own way and on his own responsibility, before any stranger was intruded into his parish. Such a limitation would restrict the Bill to cases of proved incapacity or neglect, and tend to eliminate the competition of rival forms of worship. There was, however, one clause of the Bill which stood by itself, and to which he had a special objection—namely, the 5th—which allowed free-trade in private chapels in country houses. This would, he conceived, be making a very invidious distinction between the religion of the rich and that of the poor.

MR. MONK stated, that he entertained the same strong objections to the Bill which he had expressed last year.

Motion *agreed to.*

Bill read a second time, and *committed.*

MR. BERESFORD HOPE moved that the Bill be referred to a Select Committee.

MR. PERCY WYNDHAM seconded the Motion.

Motion made, and Question proposed, "That the Bill be committed to a Select Committee."—(*Mr. Beresford Hope.*)

After short debate,

Question put.

The House *divided* :—Ayes 9; Noes 40: Majority 31.

Bill *committed* to a Committee of the whole House for *Friday*.

LAND SETTLEMENT BILL.

On Motion of Mr. WREN HOSKYNS, Bill to simplify the Title to Land by a modification of the Law and Practice of Land Settlement, *ordered* to be brought in by Mr. WREN HOSKYNS and Mr. M'LAGAN.

Bill *presented*, and read the first time. [Bill 80.]

DRAINAGE AND IMPROVEMENT OF LANDS (IRELAND) PROVISIONAL ORDERS (NO. 2) BILL.

On Motion of Mr. WILLIAM HENRY GLADSTONE, Bill to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same, relating to Lough Oughter and River Erne Drainage District, *ordered* to be brought in by Mr. WILLIAM HENRY GLADSTONE and Mr. BAXTER.

Bill *presented*, and read the first time. [Bill 82.]

TITHE COMMUTATION ACTS AMENDMENT BILL.

On Motion of Mr. ARTHUR P. VIVIAN, Bill for amending the Tithe Commutation Acts with respect to Hop Grounds and Market Gardens, *ordered* to be brought in by Mr. ARTHUR P. VIVIAN, Mr. BOUVERIE, Sir JOHN LUBBOCK, and Mr. MAGNIAC.

Bill *presented*, and read the first time. [Bill 81.]

House adjourned at a quarter before One o'clock.

HOUSE OF COMMONS,

Wednesday, 26th February, 1873.

MINUTES.]—PUBLIC BILLS—*Ordered—First Reading*—Labourers' Cottages (Scotland)* [83]; Local Government Districts (Consolidated Rate)* [84].

Second Reading—Poor Law (Scotland) [4], *put off.*

Third Reading—Bastardy Laws Amendment* [75]; Victoria Embankment (Somerset House)* [41], and *passed.*

The House met at Two of the clock.

POOR LAW (SCOTLAND) BILL—[BILL 4.]

(*Mr. Craufurd, Sir David Wedderburn, Mr. Miller.*)

SECOND READING.

Order for Second Reading read.

MR. CRAUFURD: I rise, Sir, to move that this Bill be read a second time. It was not my intention to have troubled the House with any observations on the present occasion for these reasons:—The Bill was introduced by me last year, and the House was then kind enough to listen to extended observations of mine in reference to it. It has been before the country since the month of February last year, and has been fully examined and discussed; and, under these circumstances, I should have thought it my duty to have asked simply that the Bill should be read a second time, and not have troubled the House with any remarks in reference to it. But, Sir, a most extraordinary change has taken place, and I think I have a right to complain of the way in which I have been dealt with in respect of the opposition to the measure. It is, as I shall show, in every main and important feature founded upon the recommendations of the Select Committee on Scotch Poor Law, which sat upstairs for three Sessions, many of which recommendations were carried unanimously, and others by considerable majorities. My hon. Friend the Member for North Lanarkshire (Sir Edward Colebrooke), who appears now to oppose the Bill, was a Member of that Committee, and favoured me last year with his support by giving me his name on the back of the Bill. Although he differed from some of its details, he was then willing that the second reading should pass unopposed. Well, the Bill in the main is the same as the last edition of the Bill published last year; but, in consequence of his objection to some of the details, I did not think it right to ask my hon. Friend to give me his name on the present Bill, but have left him at perfect liberty to take whatever course he may think proper. I think, however, it would have been only fair if I had had longer notice of the opposition which is now intended. Petitions have just been presented and read to the House, and it may be observed—and the observation may be a strong one in the minds of some hon.

Members—that whereas all the Petitions presented have been against the Bill, there has not been a single Petition laid on the Table of the House in favour of it. ["Hear, hear!"] My hon. Friend near me (Mr. M'Laren) says "hear, hear!" No doubt the opponents of the Bill have worked strenuously against it, and it was natural and right that they should do so; but it would have been only reasonable and fair on their part to have given me more lengthened notice that such opposition would be offered, so that the opinion of the country might have been really evoked, and that it might be shown whether the two or three Petitions presented really and truly expressed the opinion of the people of Scotland generally. The fact is, that the Bill passed the second reading last year without opposition, and that the present is the same Bill. The whole question at issue between us is not a question for the second reading stage. The principle is admitted that reform is necessary in the administration of the law for the relief of the poor in Scotland, and, under these circumstances, the country would have expected, as I did, that there would be no opposition to the second reading of a Bill with the main and larger proportion of the provisions of which the country generally are, I believe, content. Well, Sir, the Notice to move the rejection of the Bill was only entered on the Votes on Monday night last; the Bill was in the hands of Members on the Tuesday of last week; and I was therefore entitled to expect longer notice of opposition than I have received. I am taken at a disadvantage, and I trust the House will give me the benefit of that consideration, and not assume from the opposition to the Bill that a large portion of the people of Scotland are not in its favour. I may, indeed, refer as to the feeling of the country to the Petitions presented last year. The Bill, as it was introduced in its original shape, was objected to in several of its details, and the House will recollect that I adopted many of the suggestions made for amending the Bill; that we went into Committee *pro formâ* for the purpose of having it reprinted; and that in the second edition of the Bill I practically removed the objections which had been made to it, and adopted the suggestions made for its amendment. I shall now state the number of the Petitions presented last year. So far as I can gather from the records of the House, there were altogether 184 Petitions presented; of these 60 were against the Bill; 110 prayed for alteration; 1 prayed for remitting it to a Select Committee; and 13 were absolutely in favour of the Bill as presented. Amongst the 13 were Petitions from Aberdeen, Ayr, the Edinburgh Chamber of Commerce, and the Town Councils of Glasgow and Stirling. When I look at the principal towns of Edinburgh and Glasgow, I find from the former 3 Petitions against, 5 for alteration, and 1 in favour; from the latter, 7 against, 13 for alteration, and 2 in favour; while from Aberdeen, there was 1 against, 2 for alteration, and 1 in favour. Now, I am entitled to claim, as in favour of going into Committee on the Bill, any Petition that is not directed against the second reading, and therefore positively against the Bill; so that, virtually, out of the 184 Petitions presented last year, 124 were in favour of going into Committee. Many of these were presented in reference to the Bill in its original shape, and the alterations prayed for were, to a very great extent, assented to by me, and introduced into the second edition of the Bill last year. Therefore, so far as the opinion of the country is concerned, I am entitled to claim it as in favour of going into Committee; but I have a stronger claim still for asking the House to pass the second reading, and it is that the Bill is the Bill of a Select Committee. Its first provision, which is the main, and, in my judgment, the vital provision of the measure, was adopted upstairs without a dissentient voice, and was absolutely one of the recommendations of the Committee in these words—"In all towns consisting of more than one parish, the parishes to be combined." I know that my hon. Friend the Member for North Lanarkshire will say that he never understood that recommendation in the sense in which I have translated it in the clause in my Bill. Well, but that I submit is a matter not for the second reading but for Committee. If my hon. Friend turns to the Report of the Select Committee, he will see that after discussing the question whether any change should be made in the Law of Settlement, the recommendation I have quoted was unanimously adopted with a view to remedy one of the greatest evils in the existing law. In page 8 of the Report, he will find these words—

> "To obviate these evils, it has been suggested, in the first place, that no person should lose a residential settlement once acquired in any parish or combination, until he shall have been absent for a period sufficient, at any rate, to enable him to acquire a fresh settlement; and, in the second place, that in all towns consisting of more than one parish, the whole of those parishes shall be formed into one combination."

My hon. Friend, if I may judge from conversations I have had with him, seems to read that as meaning that they shall be combined solely for the purposes of settlement, and not for the purposes of uniform rating and of management; but my hon. Friend will see that that is not so, for if he refers to the next paragraph in the Report, he will find these words—

> "Whether any further extension of the area of chargeability and management would lead to satisfactory results, is a question as to which there is much difference of opinion."

Now, the word "further" clearly points to the fact that some extension of the area of chargeability and management —namely, in respect of towns having more parishes than one, had been agreed to; the "difference of opinion" referring to the desirability of combining parishes in counties. Under the head "combination," the House will find this unanimous recommendation — "that in all towns consisting of more than one parish, the parishes shall be combined." The 5th clause is based upon that recommendation. In the first edition of the Bill, I assumed that by those words anything in the nature of a town was meant, and I framed the clause so as to include not only Parliamentary burghs, but anything that could be considered a town or burgh, having more parishes than one. That was strongly objected to as going beyond the necessities of the case. I yielded, and in re-editing the Bill, struck out all but Parliamentary towns. What more limited interpretation can possibly be put upon the recommendation of the Committee, I will leave it to my hon. Friend to explain, because it passes my comprehension. But, again, the clause as it now stands in the Bill is nothing more nor less than the original combination clause as it stood in the Poor Law Bill of 1845, when first introduced by the then Lord Advocate, now Lord Colonsay. I would, however, rather stand on the fact that it is the recommendation of the Select Committee, and I hardly think the House will reject the second reading of the Bill because it may be urged that, in the wording of the clause, I have not hit what the Committee meant. I hold that I have done so; but, whether I have or not, is a question to be discussed, not now, but in Committee on the Bill. I do not wish to weary the House with details, but will state broadly that the main and important provisions of the Bill follow the recommendations of the Committee upstairs. I have introduced some clauses, which they did not deal with, but which are necessary to the carrying out of the main provisions, and to put them in a workable shape. There are others which effect a slight modification of the present law, or adopt one or two clauses of the English Poor Law Act, as, for instance, those relating to the education of the blind, and so on. But on two points the Bill differs from the Report. The first has reference to the appeal to the Sheriff in case of a pauper being refused relief. There was considerable difference of opinion on this subject in the Committee. I was in favour of doing away with the legal right to demand relief—a right which does not exist in England or Ireland. The Committee, after much discussion, adopted that view, and recommended that the jurisdiction of the Sheriff be abolished, and that with the Board of Supervision alone should in future rest the decision, not only as to the amount of relief, as heretofore, but also as to the right to relief. That recommendation was clogged with a provision which I found it impossible to translate into legal language without bringing about the very evil we desired to avoid. That condition was that the Inspector should be liable for all the consequences of his refusing relief to the pauper; but I found it impossible by Act of Parliament to impose so fearful a responsibility on the Inspector. It would be a rod held *in terrorem* over him, which would induce him to give the relief rather than take the responsibility of refusing. Under these circumstances, I adopted the suggestion which was strongly urged upon the Committee by the Chairman of the Board of Supervision—namely, to fence the Sheriff's jurisdiction with safeguards against its being used improperly. It is the rule of the Board of Supervision, whenever an Inspector refuses a pauper relief, to require that the Inspector should give to the pauper a certificate of the grounds on which relief is refused. That is looked upon as a sort of safeguard—as being a means of informing the Sheriff that there were good grounds for refusing the relief. But inasmuch as the present law imposes a statutory duty upon the Sheriff to hear all paupers who come before him, without the power of compelling them to produce their certificates, the regulation has been more or less a dead letter; because, if the certificate state sufficient reason for refusing the relief, the pauper puts it behind the fire, and never produces it before the Sheriff at all. I have therefore adopted a suggestion in which many of the Committee were inclined to agree, and have made it a statutory obligation that if an Inspector refuses relief, he shall grant to the pauper a certificate stating the grounds of his refusal, and send a copy to the Sheriff Clerk, and that the Sheriff shall not hear the pauper unless he produces that certificate. That provision was in the Bill last year, and I think is not a departure from the Report to which any member of the Committee can well object. The Bill now before the House is practically that of last year, with certain amendments which I will explain. There are some clauses respecting the audit which are necessary to enforce the decision of the auditor. The officials of the Poor Law Board here pointed out to me that the clauses as originally drawn would not give auditors the power of carrying out their decisions, as is provided in England. I felt the force of that, and therefore prepared Clauses 43 and 44; but these are auxiliary to the question of the audit, and do not alter the intention of the Committee. There is also a clause respecting the settlement of inter-parochial accounts, a matter which did not come before the Committee. I have inserted it in consequence of the many recent cases of peculations by Inspectors, owing to the loose way in which these accounts are now settled. The clause to which I refer is Clause 40, by which I propose to establish a clearing-house department in the Board of Supervision, through which all pecuniary claims between parishes may be balanced and cleared. That clause is in no way contrary to any of the recommendations of the Committee, but is something in addition to them. I now come to an important alteration which I have ventured to make as to the constitution of parochial boards, which is the second and main point in which the Bill differs from the Report. I am told that Clause 8, as it now stands, and the subsequent clause providing for the mode of election, are so objectionable and offensive as to induce my hon. Friend to propose the rejection of the Bill, of which he otherwise approves. Now, first let me inform the House what the present law on the matter is; for the information is, I find, necessary, not only for English Members, but even for some of my Scotch friends. Let us take rural parishes first, and I will refer my hon. Friend to the 22nd and 23rd sections of the Act of 1845. The boards in rural parishes—that is, in parishes which are wholly or in part out of a town—consist of all owners of land or heritages of the value of £20 and upwards, of the provost and baillies of any Royal burgh, of the kirk-session if that body does not consist of more than six, or of six members nominated by itself if it consists of a larger number, and of such a number of elected members as shall be fixed by the Board of Supervision. The elected members are elected by all ratepayers of any amount whatever not being the owners of land or heritages of the value of £20 and upwards, and not being the provost or baillies of any Royal burgh, or members of the kirk-session, and, as such, members of the parochial board. There is no qualification whatever required for the elected members except that they shall be assessed to the rates of the parish, and shall have paid them. The number of elected members varies in different parishes, for there is no limit fixed. In burghal parishes—parishes entirely within a town—and in all combinations of parishes, the board consists of elected members—namely, such number of "managers," as they are called, not being more than 30, as the Board of Supervision may fix from time to time. The qualification is at the discretion of the Board of Supervision, provided it shall not be higher than £50 ownership or occupancy. In addition to these managers, four persons are nominated by the magistrates of the burgh, and the kirk-session may nominate not more than four persons. The whole body of ratepayers elect the managers—

and there is a provision that owners and occupiers under £20 shall have one vote; between £20 and £40, two votes; between £40 and £60, three votes; between £60 and £100, four votes; between £100 and £500, five votes; and above that, six votes. These votes are allowed whether in right of occupancy or ownership, and if a man occupies for two votes and owns for three, he has five votes. Votes for ownership and for occupancy may thus accumulate; no elector, however, possessing more than six. There is a similar provision as to the votes of the constituency in rural parishes. Thus, there is a different constituency as to voting power from the ordinary system, where every ratepayer has one vote. I have found that this state of things is not very generally known. Now, the Committee strongly felt that the present qualification of £20 for a seat at the board in rural parishes was far too low; boards in many of those parishes consisting of a large number of members so closely allied to the pauper class that very often they use their position to place their relatives on the poor roll. In the evidence taken by the Committee, and in the Reports of the Board of Supervision, there are flagrant instances of this. The Committee therefore felt that it was necessary to make some change. The Chairman of the Board of Supervision suggested the raising of the qualification of ownership in rural parishes from the present minimum of £20 to a minimum varying from £100 to £500, to be fixed by that board in each parish according to the number of owners of such values respectively. £100 may appear a large minimum, but there is a table in the Appendix to the Report of the Committee which shows that in many parishes a qualification even of £500 would afford a large board. The Committee, however, declined to pledge themselves to any particular sum, and simply recommended that the qualification should be raised; that occupiers of land and heritages should also be members without election, their qualification being fixed at not less than that fixed for owners; and that all ratepayers, not members of the board in right of owner ship or occupancy, should form the constituency for the election of the elected members; that the nomination of members by magistrates and kirk-sessions should be abolished; that the minister of the parish should be no longer *ex officio* member of the board; and that the members elected should remain three years in office, one-third going out each year. At present the elected members in the rural, and I think also in the burghal parishes are elected annually. Following that recommendation, I at first proposed £100 as the qualification for owners, and £300 for occupiers, such persons being *ex officio* members. That was loudly decried, and surprise was expressed by some of my Radical friends that I should become such a Tory in my old age as to raise the qualification. My object, however, being to secure a body, which might be trusted to hold the balance fairly between paupers and ratepayers, that cry did not make much impression on my mind. But so many representations were made to me, that I reduced the qualification in the second print of the Bill last Session to £50 for owners and £100 for occupiers. On further consideration, however, I felt that no definite principle could be found in any particular sum, and that £50 in some parishes would give a too numerous board, while in others it would probably give only just enough. Moreover, circumstances have changed since the Committee reported, when the proposal for a purely elective board both in rural and burghal parishes was negatived by 11 to 4. The House has since committed the management of one of the most important local interests to school boards, the members of which have no qualification except that they are selected by ratepayers who contribute to the cost of education. Vote by Ballot has also been adopted in Parliamentary, municipal, and school board elections. Under these altered circumstances, I suggest that a similar provision should be applied to the only governing local body which remains constituted on a totally different system to that of any other in the country. I propose it, however, only as my individual suggestion, in order that it may be fully discussed, and it is the only clause opposed to the decision of the Committee in a Bill much of which my hon. Friend will, I believe, entirely approve. I am told election by Ballot will entail considerable expense. That may be a reason for refusing to adopt it, though I presume the same objection would apply to the Ballot at school board elections. The present mode of election is inconvenient, and often very expensive. Suppose an election in the barony parish, Glasgow, or the city parish, Edinburgh. Notice is given of the day when the electors are to assemble; if not more than 100 attend, the vote is taken then and there by show of hands or any other way the Inspector thinks proper; but if there are 101—any number over 100—the meeting is dispersed, and clerks are sent out with voting papers to every ratepayer at a grievous expense. This was not brought prominently under my notice till after the Committee had reported, and my Bill had been introduced last year, when, finding all representations to the Board of Supervision had failed to effect a change, I proposed, in the second edition of the Bill of last year, that all elections should be by open poll; and though this would have increased the expense, no complaint was made against it. The Ballot is not prescribed by the Education Act, but the Education Board have adopted it; and the rules which I have placed in the schedule to the Bill for the conduct of elections are taken from the rules of the Edinburgh Board of Education. These are my reasons for the changes I have made in the Bill. If it is felt better to retain the old system, I will cheerfully accept the decision of the House. But as we have abolished qualification for Members of Parliament and for town councillors, why should it be retained for members of parochial boards, and why should not the same confidence be shown in the ratepayers of the country as in those of the towns who are allowed to elect town councillors—the rating body? If, however, it is thought better not to make too many changes at once, restore Clause 8 to its former shape. The vital principle of the Bill consists in the clause respecting the improved regulation of settlements and uniform rating, as to which the Committee were unanimous. The House a few days ago, with the approval of the Government, endorsed the principle of union rating in Ireland, and they surely will not refuse to go into Committee on my Bill. Petitions have been presented from various parts for alterations in it. Those presented today come from a limited area. The one presented by the hon. Member for Edinburgh pretends to represent the feelings of the ratepayers, but is signed only by Sir James Gardiner Baird——[Mr. M'LAREN: Signed by him as chairman of the parochial board.] I thank my hon. Friend. That is the very thing I wished to ascertain. He signs it as chairman of a parochial board which is not yet in existence. Sir James was the bitterest opponent of the Bill last year, but could not induce any Scotch Member to propose its rejection. He protests against the operation of the 5th or combination clause in Edinburgh, where for 25 years the unfortunate ratepayers of Canongate and other parishes have been suffering from divided rating, yet finding that the thing could not be maintained, and in the hope of averting the wrath to come, he has, at the eleventh hour, induced the wealthy parish of St. Cuthbert's to take to its arms the miserably poor parish of Canongate. That very fact is a strong argument for combination, and the election last Friday for the combined board refutes the notion that the ratepayers are not to be trusted with the election of proper men. Sir James himself was elected unanimously, and the whole 30 are men of position and ability. The same thing is being done in Glasgow, where the parishes of Govan and Gorbals are about to be combined. Last year some of the Glasgow parochial authorities offered to abandon the opposition to my Bill if I would agree not to combine all their parishes in one, and would consent to unite only the city with the barony parish, and Govan with Gorbals, thus practically admitting the necessity for combination; but I declined to surrender the principle that in the same town there should be one system instead of the monstrous differences hitherto existing, under which the wretchedly poor parish of Gorbals is assessed 14 per cent on its rental, while its wealthy neighbour, Govan, is assessed only 3 per cent, and the other two parishes at rates varying between these two extremes. Some have tried year after year to amalgamate; but the rich parishes have at present evaded their fair share of the poor rate, and are doing all they can to prevent a reform. This is why you find sometimes in the same town where there are two parishes to be combined by the Bill, one parish petitioning in favour of the Bill and another against it. The principle of combination it is admitted has failed to be carried out even where most needed, despite the strenuous efforts of the Board of Supervision since the passing of the Poor Law Act of 1845. It is time Parliament should step in and extend to Scotland the benefits of union which exist in England, and should no longer allow the wealthy portion of the community to escape bearing their fair share of parochial expenditure. The strongest arguments used last year in resisting my combination clauses were those urged on behalf of the country gentlemen. It was said that these gentlemen had taken considerable interest in the management of the boards in rural parishes, and that where these were combined with town parishes the country gentlemen would be ousted from the management. A gentleman of position and influence in the parish of St. Cuthbert's said to me last year—"How can you expect me to vote for a Bill that will extinguish my present right of sitting at the parochial board?" But since then these gentlemen had, like the reptiles in the song of St. Patrick, "committed suicide to save themselves from slaughter," for they have themselves consented to allow the combination to take place between Canongate and St. Cuthbert's in Edinburgh, and Govan and Gorbals in Glasgow. I have myself no fear of the result, for I believe the ratepayers of my country are wise enough to elect those who will best administer their affairs. But then I am told there are parishes where there are many colliers, and it is said that the colliers will not vote for the gentlemen. Let me remind hon. Gentlemen that those colliers are household voters, and if colliers can be trusted to return hon. Members to that House they could surely be trusted to elect proper persons to manage their local affairs. These are arguments for the House to consider and for the House to deal with. I hope that hon. Members who sit here for Scotland will not refuse the second reading of this Bill merely because there are some provisions of which they disapprove. These provisions come endorsed with the recommendations of the Committee which sat upstairs. If it can be shown, when we go into Committee on the Bill, that those provisions do not represent their opinions, and that the recommendations were meant in another sense, or if the House see fit to modify those recommendations, I shall, rather than risk the Bill, willingly bow to any modification except the abandonment of those principles which appear to me to be vital and essential to any improvement of the Poor Law. I have detained the House longer than I intended; but I felt it my duty to place the matter fully before them, and I hope the observations I have made will remove impressions which I think would not have existed if there had been an opportunity of comparing the provisions of the Bill with the Act of Parliament now in existence. It may be said that would have been accomplished by making this a Consolidation Bill. But there would have been grave difficulties in adopting such a course. Let us do the best we can. Let us first endeavour to amend the law, and then we can easily consolidate the law. I shall be prepared to show that the largest powers given in the Bill to the Board of Supervision, are only re-enacted from the present law. Some small but not very large additional power is given, and when we go into the details of the Bill, I shall be prepared to show that I have not even given all the powers that were advised in the recommendations of the Committee. It is not now the time to go into these details, but I shall be prepared to point them out in Committee. I thank the House for the kind attention they have given to the observations I have made; and I earnestly entreat them not to reject a measure which, whatever may be its present defects, is capable of being made a vehicle for enormous improvement in the Poor Law. I move that the Bill be now read a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Craufurd.*)

Sir EDWARD COLEBROOKE, in moving that the Bill be read a second time on that day six months, said, it was not without hesitation that he came forward to take the strong step of opposing the second reading of a Bill with many of the provisions of which he cordially agreed. If the recommendations of the Committee had been brought before the House without any additional clause, he would have been very glad to take the same course as he did last year; but he was placed in this peculiar position—that if he were to accept the compulsory combination of parishes, he would seem to have very much misunderstood the views of the Committee, of which he had himself the honour to be a Member. If his hon. and learned Friend was so enamoured of this particular provision that he regarded it as the very principle of the Bill, without which they could have no Bill at all, he thought it preferable that the Bill should be abandoned altogether. His hon. and learned Friend had now confirmed his view by the very emphatic way in which he had dwelt on this one clause, and had declared that by it he would stand or fall. Now he (Sir Edward Colebrooke) thought it was rather a strong course for the hon. and learned Gentleman to take when he came forward to represent the opinions of the Committee, and at the same time put such a construction on their recommendations that some of its Members could not allow to pass—unless, indeed, they chose to follow him. He was not disposed to quarrel with them on that account. He admitted this clause, when it came to be examined, was one of such great importance that it was entitled to be considered very fully. It contained most dangerous provisions—one of which, if really carried out, would go far to overthrow the established administration of the Poor Law, and would be productive of the greatest confusion. He might have been disposed to waive his objections if his hon. and learned Friend had given some assurance that if the Bill were sent to a Committee, he would be ready to accept some compromise. But his hon. and learned Friend had not done this, but said it was impossible for him to do so. Now, the position of a private Member was such that it was with great difficulty he could bring any question before the House, or to have it duly considered if he once got it there. Perhaps at some late hour of the night a division might be snatched, which was utterly at variance with the real opinion of the House. He would ask the hon. and learned Gentleman what probability there was under his guidance — unless he consented to strike out certain provisions — what chance there would be for the discussion of the Bill? The circumstances of the time had strengthened his original conviction, that this was not a subject to be dealt with by a private Member. It was one that ought to be dealt with by one of the most important Departments of the State, and ought to be brought forward on the responsibility of the Government, with such recommendation as the Department thought proper to make. His hon. and learned Friend had introduced some new and important provisions; but it was not on account of the new provisions with reference to the mode of voting that his opposition was based, though he was willing to admit that they had strengthened his conviction that this was the time to take a stand against the Bill. His hon. and learned Friend complained of being taken by surprise. Why, the Bill had been only a week in the hands of hon. Members when it was moved in the House, with a clause which was calculated to upset the whole constitution of parochial boards in Scotland, and his hon. and learned Friend asked them to accept at once the provisions for that purpose. He (Sir Edward Colebrooke) was rather amazed that his hon. and learned Friend had so suddenly turned upon this question, and that he should be so much alarmed at persons with no qualifications getting on these boards. Last year it was not proposed that any question of qualification should be raised; but now he turned completely round and changed his mind. The provisions of the Bill dealt with the whole arrangements of the Poor Law in Scotland. He was himself strongly of opinion that the Poor Law of Scotland worked well. He thought the general tendency of opinion was in favour of it, and he could not call to mind any general feeling against it in the country districts which would justify such a change as this. He declined absolutely to enter into the discussion of such a question at one week's notice. When such a change was put forward in such a Bill, it must be taken to be the principle of the Bill, and must form the key to the examination of all its details. In that case it mattered not whether the Bill should be postponed for one month or for six months; and he thought the best way would be that his hon. and learned Friend should withdraw the Bill, and leave the question in the responsible hands of Her Majesty's Government. His hon. and learned Friend had also changed his mind in another most important particular, and has now confined the operation of the Bill to Parliamentary boroughs—and he thought he had done wisely, for the provision which he brought forward last year combining police boroughs, was of so extravagant a character, and would have led to such injurious results, that there was a general outcry against it. He certainly thought it a most dangerous provision; but it did not strike him at the time that the union of towns was not in terms the same as the union of parishes. He believed that many persons in towns were disposed to favour this kind of union; but when he found that the effect of it would bear only on parishes which belonged to a city, and looked at the number of combinations in Glasgow and Edinburgh, he thought he was justified in taking a stand against provisions of so dangerous a character. His hon. and learned Friend had not pointed out any evils in the existing law of settlement which rendered it necessary to introduce so radical a change. He threw out, indeed, an argument on one or two evils which might be remedied, as to the area of chargeability; but then he only recommended extension so far as was required for the purposes of union. On the question itself his remarks would be but few. He would instance two of the largest of these combinations—the cases of Glasgow and Edinburgh. The city of Glasgow was divided into four parishes, two of which extended their ramifications into the suburban districts. These, if combined, would form a union, the lowest estimate of the population of which would be 520,000, but which on other testimony would be 600,000. Combinations of police boroughs would produce a still larger amount. Now, he thought that for combinations like these they had some right to expect protection from Her Majesty's Government. These schemes, if carried out, would be subversive of all existing arrangements. Again, with regard to Edinburgh, there were seven parishes, one or two of which were agricultural parishes. Were this principle carried out, the two cities of Leith and Edinburgh would be forced into a union against their inclination. If they were to force a union of parishes under 100,000—if they were to take, say, one-fifth of Scotland to form a union, why not take the whole? They were taking a step, and a dangerous one, towards a national rate. There was a great deal to be said about a national rate. It would reduce those glaring inequalities which existed in neighbouring parishes—it would tend to introduce a system of taxation throughout the country which would make the Poor Law rather an Imperial than a local question; parochial boards would lose their responsibility, and there would be a desire to dip into the public funds in much the same way as Members in this House were apt to propose to the Government to draw on the public purse. He believed such provisions would be fatal to economy, fatal to the administration of the law, and would affect most injuriously the labouring population for whose behalf the present law existed. After all, the only substantial reason given for the change was that with regard to the Law of Settlement. It facilitated the change of a person from one part of a town to another. But could not that be done without having recourse to such a tremendous measure as this? It was remedied in this metropolis by an alteration in the law of movability. Yet who ever thought for that purpose of putting the whole metropolis into one union? If anyone had made such a proposal, he would have been considered mad, and he feared they were advancing to a dangerous extent towards that. In support of his view he might point to the opinions of the Board of Supervision, and to the evidence taken before the Committee, where they had a witness saying—

> "It is necessary to guard against too large an area, and also against too narrow an area, on account of the expense of management, and hold that it is impossible to have any general rule, and you must always have special inquiry into the particular circumstances, and make a thorough investigation whether a new distribution is necessary or desirable."

He quite concurred in that evidence. On every occasion in which Parliament had dealt with the subject it had made special inquiries. If it was considered really necessary to have this compulsory union, he should still have to suggest that the Bill be not approved of. He would now bring these remarks to a close were it not he wished to say a word or two with reference to the position of Her Majesty's Government in connection with this subject. His hon. and learned Friend, the responsible author of this Bill, did not stand alone. He said he had brought in this Bill with the concurrence —and he thought he added at the instigation, or with the assistance—of his right hon. Friend the Lord Advocate of

Scotland. Now, he was very anxious to know what were the relations of the right hon. Gentleman to the Government in respect to this matter? The predecessors of his right hon. Friend boldly held the opinion that the Lord Advocate—whose post was certainly somewhat anomalous—inherited all the powers of the Privy Council of Scotland, and there was also an opinion that he inherited all the legislative powers. He (Sir Edward Colebrooke) thought it was a pity that when this subject was discussed last year, the right hon. Gentleman did not state his views on the subject; because a great deal of the anxiety felt out-of-doors, and a great number of the deputations that came upon the subject of the Bill were due to the feeling that this Bill was not merely that of a private Member, but was a kind of pilot balloon sent up under the authority of the Lord Advocate to see which way the wind blows. He should like to know whether the right hon. Gentleman consulted his Colleagues? He was quite sure he could not have done so, for the Home Secretary—who, he might remind the House, was Home Secretary for Scotland as well as for England—had very frankly given it as his opinion that combinations on any extensive scale were not desirable. The right hon. Gentleman, in answer to a deputation in Glasgow, said—

> "The experience is, that the administration of the Poor Law is most efficient where the area of population is not too large to make it beyond the power of one executive to work it properly. The general rule is that the smaller the area of population the better the administration of the law. The provision of the Bill which struck me as most questionable was undoubtedly that which provided for the union of very large districts. Both in the interests of the ratepayer and the poor, it was always desirable that the managers should take a personal interest in the question. There is one thing in particular in the improvement of the Poor Law—namely, that it is a question for the Government rather than a private Member."

So much for the views of the Home Secretary, which he hoped he would be prepared to support on this occasion. He would further ask, whether the right hon. Gentleman the Lord Advocate consulted the Board of Supervision? Certainly not, for the Board of Supervision, startled at this Bill, launched out in such an extraordinary way, and circulated over the country, thought it high time to let their views be known, and gave the opinion to which he had already referred. Therefore, they were in the position of having the Lord Advocate, the Home Secretary, and the Board of Supervision all giving their separate opinions on the subject, and were in consequence left in such a state of confusion that they did not know who to follow when they went into the lobby. He held that it was most important that measures like this, which were really Government measures, should be brought in by responsible members of the Government. They could not be so introduced by any of them without their consulting the heads of the Government, and knowing the views of those responsible for the management of the Executive. The position in which they were at present placed was a very disagreeable one, and the only way in which they could be extricated was, in his opinion, for his hon. and learned Friend to withdraw the Bill, and let the Government take the responsibility upon themselves. He was confirmed in the belief that this was the proper course by a speech recently made, not in this House but to the electors at Stranraer by the right hon. Gentleman, in which, having ventilated a number of agricultural grievances, he dwelt upon the question of Poor Law. He said—

> "I have been assisting the Member for Ayr in preparing his Bill, but upon one particular he did not go far enough. He proposes these combinations only with regard to towns, but I think we can carry out the combinations in the country as well."

He did not complain of the right hon. Gentleman for making that statement; but if he had such strong views on the subject, he thought he should mature a scheme and submit some proposal to Parliament on the authority—if he could get the authority—of the Government. He thought it would be an additional reason for that course that the Committee's suggestions on this subject could be considered, and its plans properly digested, and then his right hon. Friend could bring in his Bill, and not alter the system of election and have other new provisions thrown upon them without notice. He thought the question was much too serious a one for a single Member to deal with. They were dealing with the welfare and prosperity of the working classes of the country. He hoped the result would be to throw out all those things which had been shown by experience to have had most disastrous effects in the South of England in the administration of the Poor Law enacted 40 years ago. The hon. and learned Gentleman had undertaken a heavy task, and had brought forward very important provisions, which would, he hoped, have the consideration of Her Majesty's Government; but to pass this Bill was simply impossible. The hon. Member concluded by moving his Amendment—that the Bill be read the second time this day six months.

MR. TREVELYAN, in rising to second the Amendment, said: Sir, I am sure that there will be much satisfaction felt at the course my hon. Friend the Member for Lanarkshire (Sir Edward Colebrooke) has taken in meeting this Bill with an open negative, for it gives us an opportunity of extricating ourselves from the extraordinary attitude in which we stand in regard to the measure. The responsibility rests almost entirely with the Government, and if the result of this debate is that the attention of those Members of the Cabinet who have made local taxation their study is directed to the plight in which Scotland is placed, I care not how small a number go with the hon. Baronet into the lobby to-day; because I am satisfied that when Ministers have once given this matter such consideration as it deserves, they will take measures for seeing that the Bill never becomes an Act. Towards the close of the Parliament before last, a measure was brought forward under the auspices of a Ministry containing, with one or two distinguished exceptions, the whole of the present Cabinet, by which the area of rating was so extended as to include a fair admixture of rural and urban parishes, with the same assessment. It is not necessary after the Union Chargeability Act has been at successful work for eight years to enter into a defence of the principle on which it is founded. That principle, as is well known, rests on the fact that the poor rate was high in town districts and low in country districts, on account of the large portion of the working population born in the country which is constantly being driven into the towns in search of employment. There is no want of proof that the measure was as popular as it deserved to be. Its passage into law was almost immediately followed by a General Election, and the experience of those of us who had the doubtful pleasure of a house-to-house canvas was, that it was almost the only legislative performance of that period in which the householder of the towns took a lively and personal interest. That the Government has not found reason to change its mind or its policy is pretty evident from the support which the other night it lent to a private Bill introducing union chargeability into Ireland. Now, was the noble Lord the Secretary for Ireland, who spoke in behalf of that Bill, aware that for these two years there had been hovering about the Notice Paper of this House, under a sort of half-acknowledged patronage of the Scotch department of his own Government, a Bill proposing to settle the question of Scotch assessment on another basis than that of universal and equable union chargeability? I say "to settle" the question, because the Bill does not propose to leave the area of assessment alone, and confine itself to certain specific changes in Poor Law administration. Not at all. It proposes to introduce into Scotland a new-fangled system of grouping burghal parishes, which, under a specious appearance of working in the direction of the Union Chargeability Act, will, in effect, lead Scotland further than ever from the policy embodied in that Act, and from the declared and recognised theories of Her Majesty's Government. But there is another feature in this Bill which I must beg to commend to the notice of one important Member of the Cabinet. The present First Lord of the Admiralty, who I regret to observe is not present, in his Metropolitan Rating Act, and in the more general measure which time did not allow him to pass, laid down the principle of a uniform deduction from the gross rental of different classes of property. That principle, broadly stated, is that the nature of the subject rated should be taken into consideration, and that an abatement should be made in the case of property which was perishable and expensive to maintain. Houses therefore which need repairs and insurance, and which are so perishable that they sell for about half the number of years' purchase of landed property, were to be subject to a deduction, according to the views of the right hon. Gentleman, from one end of the kingdom to the other. And yet here we have a Bill, which last year appeared to be in a left-handed manner under the protection of the Government, which expressly repeals that section of the Act of 1865 that authorises a deduction from the gross rental for repairs, general maintenance, and insurance of mills and houses. Is the right hon. Gentleman aware of the nature of this Bill? If he is aware of it, how comes it that he has not prevailed upon the Cabinet to express a decisive objection to a measure which forbids even the voluntary adoption of a principle north of the Tweed which they wished to render universal and obligatory to the south of it? But this measure has a more serious defect than its inconsistency with previous legislation, and that defect is the neglect—I will say more, the marked severity—which it displays towards the interests of the inhabitants of towns. If the Bill passes in its present shape, or in anything like its present shape, the burgh population will suffer so heavily that the House should hesitate to give the Bill a second reading until the towns of Scotland, great and small, have had time given them to make their voices heard in the matter. For, in the first place, exactly the same difference between the amount of the rate in rural and urban parishes exists in Scotland as existed in England before the Union Chargeability Act, and for exactly the same reason. There as here the population are crowding into the towns, and by their course are not impoverishing the country, but are actually enriching it by giving it a better market for its produce; and not only so, but the pauperism of the country has a special tendency to gravitate towards the towns. Apart from the singular attraction which great cities afford to vice and misery, it is not unusual for persons, no longer fitted by their age for the exposure and toil of agricultural labour, to seek light employment in factories during the last few years of life or of independence. Hence it comes that there are many agricultural parishes which pay only a half or a third of the rate paid in the town adjoining, and therefore it is a grievance in itself to the town population of Scotland that a Bill should be passed professing to deal comprehensively and finally with her system of local taxation, which neglects to do for them what the Union Chargeability Act, passed by the Government, did for England, and what the Union Rating Bill, supported by the Government, proposes to do for Ireland. It will be said, however, that this Bill makes combination permissive to those parishes which are inclined to adopt it. But that combination is at the discretion of the Board of Supervision, and no one can read the statement of the chairman, published last year, without perceiving that the inclination of that Board is not towards the principle of union rating. Besides, a question so large as this should be settled openly by Parliament on general regulations laid down in the Statute-book, and should not be left to the arbitrary decision of a body whose opinion may vary with every change of its individual members. And, further, the most important object of this Bill—so we are told—is to make very wholesale combinations in the case of burgh parishes. But the combinations which take place under the 5th clause do not, and are not intended to remove the inequality of rating between town and country, except in the case of the portion of a burghal parish which is rural in its nature, and these small portions of country will suffer exceptionally by having to bear the whole burden which ought to be shared with all the landward parishes in the neighbourhood. And do not imagine that this provision was introduced with any intention of relieving the burgh rates. You will find its motive in the 8th page of the Report of the Poor Law Committee, which shows that burghal parishes are grouped, not to relieve the rates of the town population, but in order to prevent the rural rates from being burdened by having paupers thrown back upon them who have lost an urban settlement by shifting their residence from one burghal parish to another. For this most insufficient reason, utterly alien to the interests of towns, the burghal parishes are to be grouped—not into unions of convenient size, as is the case on this side the Border, but into amorphous aggregations, one of which will contain a few thousand people, and another more than a fifth of the population of the whole of Scotland. But the town populations will suffer, not only by what this Bill refuses them, but still more by what it imposes on them. Hitherto, as I have shown in an earlier part of my speech, house property has enjoyed a certain small, and, in my opinion, a just advantage as opposed to land. But according to the hon. Member for the Ayr burghs, land is to be put at an immense advantage as opposed to house property, for by the 17th section, assessment according to classification is made compulsory, except in such cases as the Board of Supervision may remit the obligation. Now, the policy of the Board of Supervision in this matter is well known. In the case of a poor rate of 1*s.* in the pound, owners would pay 6*d.* and occupiers 10*d.* for houses, and only 2*d.* for land, so that the tenant of a house, as opposed to the tenant of land, will lose the benefit of a somewhat advantageous deduction, and suffer the great evil of a very disadvantageous classification. But we shall be told that there is a piece of sugar which will sweeten any pill, however bitter. No qualification is exacted from a candidate for a seat on the parochial board, except that he is a ratepayer who has paid his rates. This measure we shall be told gives us for the first time self-government, pure and unadulterated, in local matters. Now, I hope I do not undervalue the blessings of self-government; but of what nature is this self-government? It is self-government with just as much "self" in it as the Board of Supervision chooses to allow. Parishes are only to combine if that Board gives its sanction. It is to have power to classify lands and heritages, power to compel parochial boards to provide poor-house accommodation, and receive inmates to such an extent and in such manner only as it thinks proper. I will not weary the House by going through the Bill, and naming all the points on which the Board of Supervision is absolute and autocratic. Suffice it to say, that if the Bill passes it will be difficult to know what parochial boards are to meet about. A few clerks to keep accounts, and a few collectors to get in the rates, would be much more proper instruments for the Board of Supervision than these assemblies that are now thrown open with such a flourish of trumpets to free and unconditional popular election. The Bill is a measure for consolidating and vastly extending the powers of a Board which in days not long ago was, in the opinion of the hon. Member for Ayr himself, far too powerful already. It is the most extraordinary change of opinion in all profane history. He got his Committee in order to curse the Board of Supervision, and now, behold! he has blessed it altogether. This Bill of his is nothing but one long prophecy of Balaam; and we who looked upon him as our champion against the Board of Supervision may easily find a parallel for ourselves in that chapter of history. The question is, whether Scotland is being treated quite handsomely in this matter. It appears now, that year after year a Bill proposing a radical change in her system of local administration and assessment is to be laid on the Table by an irresponsible private Member, which a responsible Minister then urges us to carry through a second reading, and do our best to amend in Committee. Year after year our lobbies and our galleries are full of unhappy people, hard-working men, who are torn from distant homes and important avocations, in order to watch the progress of a Bill which, so long as it is in private hands, has no real chance of becoming law, but which is formidable because we are never told plainly whether the Government intend to quash it or to press it through. It is not fair that when measures which Scotland has so much at heart are in prospect, our Notice Book should be filled and our time taken up with Amendments on a Bill that is not destined to be turned into an Act; and it is the duty of Ministers to set the mind of the country at rest, and plainly to declare whether they adopt this Bill as theirs, or whether they vote against it. And I can hardly believe that they will stultify their English and Irish policy alike by supporting a Bill which contradicts the two leading principles that guide both the one and the other. I beg to second the Amendment of my hon. Friend the Member for Lanarkshire.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Sir Edward Colebrooke.*)

MR. ORR EWING: I am very glad indeed to have heard the remarks which have fallen from my hon. Friend opposite. I thought that he was entirely in favour of the Bill, but I presume that he has changed his mind.

MR. TREVELYAN said, that at any rate he should like to know when any conversation took place in which he said he was in favour of the Bill. He was very much opposed to the Bill last year, as hon. Friends around him would testify. This year he was certain no words had passed his lips in approbation of anything in the Bill except the clause throwing the election of the parochial boards upon the ratepayers.

MR. ORR EWING: I am very glad to hear that. In the conversation which took place, I understand that my hon. Friend's approval applied not only to one clause, but to the remainder of the Bill. I am quite satisfied with the explanation he has made; but, although I am opposed to the Bill on its second reading, it is not for the reasons he has given. I do not think this Bill is intended to injuriously affect the burghs of Scotland; indeed, where it does affect them, the tendency is, by amalgamation, to make the arrangement more just. With this part of the Bill I quite agree, but my objection to the second reading is that the Bill is contrary to the Report of the Committee. The Committee sat patiently for two full Sessions, and, I believe, the better half of a third, and examined witnesses from all parts of the country, and, after great deliberation, came to a decision upon the subject. Now I find that this Bill is not in conformity with that decision. I object to it, in the second place, because it differs so very materially from the Bill introduced by the hon. Member last year, and the people of Scotland have had no time to consider those very important alterations. I am surprised the hon. Member should think we have not dealt fairly with him when endeavouring to throw the Bill out on the second reading. We have done all we could to get him to delay the second reading, so that the public opinion of Scotland might give forth no uncertain sound. We have promised him, if he made certain concessions, not to oppose it; but we do not find him willing to listen to any representations. It is too important a measure to be brought in by a private Member of this House; it should be brought in by the full authority of the Government and by the Lord Advocate. It may be interesting to the House, and certainly to Scotch Members, to recall them to the origin of this inquiry and of this Bill. It will be remembered by the House that the hon. Member, when moving for this Committee, made a long and rather exciting speech, finding fault with the boards in Scotland generally; and in order to recall to the mind of the House what he then said, I will read one or two extracts from his speech—

> "Mr. Craufurd pointed out that the old mode of supporting the poor in Scotland was in existence since the 16th century down to 1843. The poor of Scotland were supported under the old system, and he maintained, without fear of contradiction, that the principle on which that law was based and administered was well adapted to provide for the maintenance of indigent and incapable poor, and was one eminently qualified to preserve that feeling of charity without which the fabric of society could not be effectively maintained. He then asserted that in that year (1869) they were worse off than they were before the introduction of the Bill of 1845, which, he said, demoralised the people. The poor, he said, claimed charity as a right, and this destroyed the principle of independence, and tended, he said, to pauperise the country. Then, again, what he wanted was an inquiry into the cause of pauperism, and the principle of the Poor Law, with the view of seeing whether they could have the old law for Scotland, which would restore to them that independence of character which was once their pride and glory in that matter."—[See 3 *Hansard*, cxciv. 513.]

Now, has the Bill carried out the declaration of the hon. Member? Does it carry out the result of our inquiry? Certainly not. For what does he propose? We have some 87 parishes in Scotland supported by voluntary rates, and they are well managed. I can mention to you one parish where the poor are supported by voluntary rates, pure and simple, by the landowners. They do not ask any tenant or anyone but landowners to pay a farthing. The collections made at the parish church doors are purely voluntary, and go to aid the assessment of the heritors. At the present moment the assessment of that parish is only 3*d.* in the pound, but still the hon. Member, notwithstanding the glowing description which he gives in praise of the whole system, brings, in this Bill, a compulsory law to do away with all this, and to appoint Inspectors of the poor, build poor-houses—everything, in fact, which we really do not require. These small parishes manage their affairs much better on the principle on which the hon. Member was so loud in his praise when he asked for the Committee to inquire into the subject. But now it seemed—to quote the remark of an hon. Member—the hon. Gentleman cursed the system he formerly blessed. This Bill consists of 53 clauses, and in 30 of these clauses the Board of Supervision and the whole powers are to be given to this central association which he formerly so much condemned. I must say that the hon. Member's conduct is very different from what it was in 1869, but I do not object to his change of opinion. I object to this Bill because it is contrary to the Report of the Committee in the 5th clause. There was, no doubt, a strong feeling in the great majority of the Committee that the country parishes did suffer from the difficulty of attaching settlements in great towns. It was also felt that there was an inequality of assessment within the Parliamentary burghs. We therefore agreed to report that, so far as the rate was concerned and the law of settlement, we were desirous of having an amalgamation of parishes in burghs, but we never intended what is provided for by this Bill —to amalgamate the whole parishes of large towns into one board of management; nor did we intend to compel small parishes to adopt compulsory rating. That question was never brought before the Committee; and so far as other alterations in the Bill are concerned, as compared with the Bill of the previous year, they are very important indeed. Last year the hon. Member fixed the qualification so high that we on the Conservative side of the House had to ask that it be reduced, and we got him to reduce it to £50, from £100 and £300. What has he done this year? He has abolished the qualification altogether, and he has instituted the ballot; and his reason for doing so is that the ballot is introduced in the Education Bill. But we have had no experience of the Education Bill. Before I came up I tried to elicit the feeling existing on the subject, and I assure you that the feeling was against the system. His reasons, then, for introducing this novel system I do not understand. How can we have vote by ballot if you give a greater number of votes according to the valuation of the property you hold? [Mr. CRAUFURD: If you look at the schedule you will see all that provided for.] All I can say is I have read it, and I cannot see how it is to be done. I will not detain the House longer. ["Divide!"] I trust Her Majesty's Government will agree with us that this Bill should not pass the second reading to-day, and that they will instruct the right hon. Gentleman the Lord Advocate to bring in a Bill next Session to consolidate and amend all the Acts passed on this subject in and since 1845. I am sure the general feeling of Scotland is that the Government should take the responsibility of legislating on this subject. We are in no hurry for legislation. and can wait till the Lord Advocate can find time to give attention to it.

THE LORD ADVOCATE: I rose when the hon. Baronet who moved the Amendment (Sir Edward Colebrooke) sat down, because, so far as I can judge from his references to myself, and the manner in which those references were received, I thought it would be convenient and in accordance with the general opinion of the House that I should speak at the earliest opportunity. Sir, when the Committee was appointed, over which my hon. and learned Friend who has introduced this Bill (Mr. Craufurd) presided, I was one of those who thought —and I confess I thought somewhat strongly—that no case had been made out for the appointment of that Committee at all. It was appointed, as we see from the title of the Report, "to inquire into the operation of the Poor Law in Scotland, and whether any and what amendments should be made therein." I was not then aware, nor am I aware now, that any such objections existed, or had been spoken of in Scotland, to the operation of the Scotch Poor Law, as required the appointment of a Committee of this House to investigate them. I was not originally a Member of that Committee; but shortly after its appointment I was added to the number of Members, having been asked to allow my name to be proposed by my predecessor in office. I attended a great many meetings of the Committee, and heard a great deal of the evidence given, and what I did not hear I read. I could not say at the termination of the inquiry that I remained altogether of the opinion which I had been at the commencement; because I was persuaded that the investigations of the Committee had done a great deal of good in removing certain impressions or prejudices which existed even in the minds of some of the Members of it. Undoubtedly that inquiry removed those preconceived and really erroneous notions from their minds, and would probably also have the effect of removing them from the minds of those whose communications had produced those erroneous impressions; and to remove erroneous impressions of that description is certainly of considerable importance. The Committee sat in the discharge of its labours for about two years, and at the end of the Session before last—namely, in July, 1871—it presented a Report to the House containing certain recommendations—none of them, as I think, relating to any matter of first-rate importance, but being all rather of the character of practical improvements in the details of Poor Law administration; but of such a character that had the objections which were stated to prevail in Scotland been limited to these, I do not think it would have occurred to anybody to press for, or that this House would have been disposed to grant a Committee of Inquiry. Nevertheless, as a Member of that Committee, I think we were pretty generally unanimous—not altogether, because there was some variety of opinion—but we were generally of one mind in regard to those practical improvements which were contained in the Report. However, though I concurred and thought that most of these recommendations, if not all of them, were well founded, I was not of opinion at the termination of the inquiry that the Poor Law of Scotland was so defective, or that there were any such radical errors in the provisions of the law, that I could advise Her Majesty's Government that the matter was one of such urgency as to demand a place amongst those measures which the Government were determining to submit to the consideration of Parliament. In the course of the vacation, immediately after this Report was presented, my hon. and learned Friend the Member for Ayr (Mr. Craufurd) communicated with me. His ability and perfect candour were admirably manifested in the conduct of the inquiry by the Committee—and I cannot refer to anything more satisfactorily illustrative of that perfect openness to conviction and candour which distinguished my hon. and learned Friend throughout, than by referring to some of those prepossessions which had been produced upon his mind by communications from without before he entered upon the inquiry, but which he yielded up as the result of this inquiry which was conducted under his chairmanship. I may observe further that the Report was limited to the recommendations of a practical character, to which I refer, in the administration of the Poor Law, and which were very far short of some of the views which my hon. and learned Friend still continued earnestly to entertain even after the inquiry was concluded. But in the course of the vacation, after the Report was presented, my hon. and learned Friend was good enough to communicate with me in regard to the most convenient mode of giving effect to the recommendations of the Committee. He asked—I thought very naturally, but hon. Gentlemen of more experience than myself may have a different view upon the subject—but I thought it was a very natural and proper inquiry for him to make, whether on the part of the Government I designed to bring in a Bill to carry out the recommendations of the Committee, or thought it would be better to leave the matter in his hands as Chairman. Having the view which I have already expressed—that I could not advise the Government that the Poor Law of Scotland presented a case of such urgent demand for reformation—I had no hesitation in expressing my own opinion—that the task of bringing in the Bill, if my hon. and learned Friend thought that necessary, to carry out the recommendations of the Committee which were so generally agreed to, as I have stated, would be with great propriety left in his hands. Accordingly, the Bill of last year was introduced with this view. I am not aware, so far as that Bill was concerned, that my hon. and learned Friend communicated any further with me or with the Government than I have stated. Indeed, the word "further" is out of place, because it was rather as a private Member and a friend that he communicated with me than as an official or Member of the Government. The Bill which was introduced last year, and under these circumstances, was, as I read it, a Bill intended—and plainly upon the face of it intended—to carry out the recommendations of the Committee, and to do no more. Whether Clause 5 did not go beyond the recommendations of the Committee in regard to the union of parishes within burghs, or what modifications ought to be made upon it in order to render it conformable to the opinions of the members of the Committee in making the recommendations to which I shall immediately advert, all this appeared to me to be matter for consideration in Committee and not for a debate upon the second reading—but with the exception of that criticism, such as was referred to by my hon. Friend the Member for North Lanarkshire (Sir Edward Colebrooke), I am not aware that it was ever suggested that the Bill professed to do more upon the face of it than to carry out the recommendations of the Committee. With regard to that criticism upon the 5th clause of this Bill, the recommendation of the Committee is in these words, "in all towns consisting of more than one parish, the parishes to be combined." I apprehend that my hon. and learned Friend found some difficulty in dealing with the cases of some parishes which were partly in one burgh and partly in another. Anyone addressing himself to the draughting of a clause intended to carry out general recommendations continually encounters difficulties that have not presented themselves to the minds of those who made the recommendations, and I am not surprised that my hon. and learned Friend found a difficulty in carrying out this recommendation—or, it may be, even the impossibility of carrying out the recommendation, without doing at the same time something more which might not recommend itself to those who were quite of opinion, that the recommendation as it stood, even if it could be carried out alone, would be beneficial. Now, I thought when I read this clause last year—and I venture to say that I think the same when I read it in the Bill of this year—that the provisions of Clause 5 are worthy of the most serious attention, in order to see whether the clause ought to be remodelled and restrained to do what the Committee recommended and no more—for if it be found impossible to do what they have recommended without doing something more at the same time, the question will be whether this project of union ought not to be abandoned altogether. But the proposal is in the direction of the recommendation of the Committee and with a view to carry it out; and I did not in the least degree regard the Bill, because this clause appeared to go further, as thereby departing from what was its previous character—namely, a Bill introduced by the Chairman of a Committee in order to carry out the recommendations which the Committee had with general unanimity made. The Bill of this year contains a provision, and an important one, upon a subject that was not under the consideration of the Committee at all—I mean a provision regarding the constitution of parochial boards. No one can deny for a moment that this is a provision relating to a subject of first-rate importance—and I was glad, I confess, to hear my hon. and learned Friend say that if it appeared to be in accordance with the general opinion of the representatives of Scotland, he was quite willing to abandon this provision altogether, and to proceed with the Bill as a Bill to carry out the recommendations of the Committee upon those portions of the subject which they had considered, and no more. After that declaration—which is entirely in accordance with my own view—I shall abstain from indicating any opinion whatever on the merits of that provision, because I quite think that this Bill, in the hands of my hon. and learned Friend, ought to be limited to the recommendations of the Committee over which, as Chairman, he presided. But being so limited, I confess—and observe I am speaking only as a private Member—it appears to me that it would be only reasonable for the House to pass the second reading of the Bill, and consider in detail the provisions of it in Committee, to measure them by the recommendations of the Select Committee of this House which sat so long and so fully entered into the subject. With respect to what has been said by my hon. Friend the Member for North Lanarkshire (Sir Edward Colebrooke), that the Government ought either to make this Bill their own or to oppose it, I must say that, with the greatest possible respect for the opinion of my hon. Friend, I cannot possibly agree in what I understood him to say. I am not aware that it is according to precedent—it would appear certainly very inconvenient in practice—if when a Bill is introduced by a private Member the Government must either oppose it or take it out of his hands. While I remain of the opinion which I ventured to state to the House on a former occasion, that the reform of the Scotch Poor Law was a subject which was entitled to consideration at the hands of the Government, yet nevertheless I think it very fitting that the Chairman of the Special Committee appointed to inquire into the working of the system should have an opportunity on the days and hours appropriated to private Members of this

House, of calmly discussing and carrying out the recommendations of the Select Committee. Why, these recommendations were concurred in by hon. Gentlemen of all political opinions and representing all sorts of constituencies. There was my hon. Friend the Member for Fifeshire (Sir Robert Anstruther), my hon. Friend the Member for North Lanarkshire (Sir Edward Colebrooke), the hon. Member for St. Andrews (Mr. Ellice), the right hon. and learned Member for the University of Glasgow (Mr. Gordon), the hon. Member for the county of Peebles (Sir Graham Montgomery), and a variety of others, all concurring generally in those recommendations of the character to which I have adverted. Why is the Government to take such measures as that out of the hands of a private Member, into whose hands it so naturally came as Chairman of the Committee making the recommendations, or to oppose the measure? Why, the Government, as a Government, is not interfering in this matter at all. As a Scotch Member, I certainly have formed my opinion, and concur generally in the recommendations of the Committee. I have had no hesitation in receiving any communications from my hon. and learned Friend in regard to what he proposed to do; and I am sure I have experienced myself too much courtesy and kindness at the hands of almost every Representative from Scotland to refuse to communicate with him upon any matter upon which he may think that any expression of opinion on my part may be of service to him. I have not hesitated myself to communicate, even with regard to measures which may be presented as Government measures, with friends who were private Members, in whose judgment and upon whose advice I could rely. But in no larger sense than this has there been any communication even with myself individually with respect to this Bill. I think it is right it should be considered as a Bill brought in by the Chairman of the Select Committee appointed by this House, dealing with practical recommendations in regard to matters, none of them really of first-rate importance, and limited to parishes within burghs, in accordance with the recommendation of the Committee. If that clause goes beyond the recommendation of the Committee—if it is found that because carrying out the recommendation of the Committee and going no further, it is impracticable, and cannot really be framed—it will be for the House to consider whether the matter should be persevered with or not. It is on these grounds only that I am content for myself to support the second reading of this Bill, with a view to consider its provisions in detail in Committee, to measure them by the recommendations of the Select Committee appointed by the House, and with the view that it is to carry these out, and do no more.

MR. M'LAREN thought the hon. and learned Member for Ayr (Mr. Craufurd) had not met with due justice in regard to the alleged extension of his Bill beyond the Report of the Select Committee—for he found, on looking at the Report of the Committee, that his Bill, in place of being beyond, was greatly within the limits prescribed by the Committee in their Report. The Committee recommended that every town in Scotland which consisted of more than one parish should be combined; and the Bill of his hon. and learned Friend of last year contained a clause that every burgh in Scotland should be combined, and that was a limitation of the Report of the Committee, because there were large towns in Scotland which consisted of more than one parish, and which were not burghs. Again, the Bill of this year was still more limited, because it stated that the boundaries of burghs for the purposes of the Act should be the Parliamentary boundaries. It was therefore an injustice to charge his hon. and learned Friend with having exceeded his instructions. If it were a fact, as was stated by the right hon. and learned Gentleman the Lord Advocate, that this was the only important clause in the Bill, the other arguments he proposed to offer would not be of much value. But it was not so. The Bill teemed with objections. In his judgment it was one of the worst Bills relating to Scotland that he had seen—it could only be amended on the principle of supplying a new lock, a new stock, and a new barrel. This led to the question—Why have not the Government themselves introduced a measure? He concurred entirely with what was said by the Home Secretary at Glasgow—that a large measure for the improvement of the Poor Law was one for the Government rather than for a private Member. Well, nobody denied that this was a large measure. It was objected to because it was too large a measure, and therefore it logically followed, from the terms laid down by the right hon. Gentleman, that the Government ought to take charge of this large measure. There were other considerations which made it a Bill that the Government ought peculiarly to have charge of, and ought to have introduced. This Bill dealt with the Department of the Chancellor of the Exchequer to a large extent. It made grants of public money here, there, and everywhere. He had no doubt that money would be rightly expended if all the clauses of his hon. and learned Friend's Bill were carried; but he was now speaking of the propriety of introducing a Bill involving a large expenditure of the public money for various purposes without the Government being made liable for the consequences. He hoped some Member of the Government would answer the question whether they approved of the expenditure of the public money; and he made that request for this reason—that last year all these grants were in the first edition of the Bill, and many constituencies petitioned in favour of it because these grants were in it; but when the Bill was passing through Committee, these grants, by desire of the Treasury, were dropped out. The hon. and learned Member for Ayr says the Bill he has brought in this year is substantially the same as the second edition of the Bill of last year. How that could be he (Mr. M'Laren) could not understand, for he found that all the money clauses that were struck out of the Bill last year were incorporated in the Bill of this year. For example, Section 15 took power to lend money at 3½ per cent, to be paid during a long term of years. He wanted to know whether Her Majesty's Government had given their consent to that? He should be glad to find that they had; but still that was an important matter, as to which it would be well that they should have information. Then, in Section 19, the Bill enacted that all Crown property in Scotland should in future pay poor rates, the same as the property of private parties. That was a principle which he also cordially assented to, provided it was a principle to be applied to the whole of the United Kingdom; but he wished to know whether Her Majesty's Government assented to the principle being applied to Scotland, because he had always understood that until the assent of the Crown had been given in such cases a Bill was not permitted to go forward. Then, by Clause 29, one-half of the whole expense of the pauper lunatics of Scotland was to be paid by Her Majesty's Exchequer. He had no objection to that—on the contrary, he approved of it, if the principle were to be made applicable to the whole of the United Kingdom; but he wanted to know whether Her Majesty's Government had given their consent to that proposition? Then, by Clause 32, the Bill enacted that one-half of the cost of all medical salaries, attendances, and medicines should be paid by Her Majesty's Government. He wished to know whether Her Majesty's Government sanctioned that? Again, in Clause 39, auditors were to be appointed by the Court of Supervision, and to be paid by the Crown. Now, the number of auditors was not fixed—it was to be such a number as the Board of Supervision might think fit, with the sanction of Her Majesty's Government, to appoint. That seemed to be rather an anomalous power. Then, by the present law, the Board of Supervision was entitled to appoint two superintendents to perambulate the country in special cases, and to report to the Board of Supervision. By the present Bill the word "two" was struck out of the former Act, and the words "such numbers as the Board of Supervision may think fit" introduced. He wished to know whether Her Majesty's Government had given consent to these provisions?—because if they had not, and supposing the Bill should be read a second time—which he hoped it would not be—they might have all these things thrown out, as they were in the second edition of the Bill of last year. Now, in regard to large combinations he would not say anything, because that subject had been so well dealt with by the hon. Member for Lanarkshire (Sir Edward Colebrooke); but as his hon. and learned Friend the Member for Ayr tried to take some credit to his own Bill for having caused two parishes to be united—one in Glasgow and another in the city he had the honour to represent—he must state the facts of the case. In place of its being a matter of no importance, and a matter to be laughed at, the fact was that the Board of Supervision, in the Report which was put into their hands only a few days ago, repeat the opinion they gave this year, and it was to the effect that the only two parishes in Scotland really requiring compulsory combination were Canongate and Govan; that they were disposed of by combining Canongate with St. Cuthbert's in Edinburgh, and Govan with Gorbals in Glasgow, and that the rest might be safely left to the voluntary action of the parishes themselves. That was the opinion of the Board of Supervision; and the local authorities, respecting that opinion, had amalgamated those parishes without any Act of Parliament. Therefore they were in this position—that the Board of Supervision had reported as their deliberate opinion that there was no need for any compulsory combination of parishes in all Scotland. This question had been put forward as if it were one of great magnitude in a pecuniary point of view. So far as regarded the parish of the Canongate, it would not add so much as a farthing in the pound to the rate in the parish with which Canongate had been united. With respect to the law of settlement, everything would be put into confusion if this Bill should pass. By one section all churches and chapels were to be assessed to the poor rates, but nobody could tell who was to pay it. The Bill introduced some time ago by the hon. Member for Montrose (Mr. Baxter) contained only one objectionable clause, but nearly all the clauses of this Bill were objectionable when clearly understood. It was also too bad to force on the Bill so soon after its introduction.

MR. GORDON said, that last year Scotch Members and deputations were put to grievous annoyance and inconvenience by the Bill being put down on the Paper night after night. There was a crowded attendance, and he hoped that on this occasion the opinion of Scotch representatives would be distinctly ascertained.

SIR ROBERT ANSTRUTHER said, it was most desirable that the opinion of Scotch Members should be distinctly shown by a division, and he believed it would be found that they were unmistakably adverse to the Bill. He fully appreciated the labour and skill with which the hon. and learned Member for Ayr presided over the Committee of which he (Sir Robert Anstruther) was a Member, and the skill and patience he had devoted to the preparation of the Bill; but the surprise of the Scotch Members could not but be shared by their constituents when they saw its provisions. But what was of most interest to him was the line the Government would take. He knew they were in a very difficult position. They apparently approved the present constitution of the parochial boards. When the Committee was appointed, the Lord Advocate, whom they assumed to represent the Government, but who now told them that he was there simply as a private Member, made no proposal to alter it. They understood last year that the Lord Advocate and the Home Secretary approved the Bill in the shape it then assumed, raising the qualification from £20 to £100; but all of a sudden the new Bill swept away every qualification. They were told that the Government approved this sudden change. They had had no opportunity of testing that, for the Lord Advocate had not been in his place since Parliament opened. They now knew that, as far as Scotland was concerned, they had no Government, and, certainly, if the Government followed the Lord Advocate in all his changes they would be in a most undignified position. They had solved the difficulty in this extraordinary way—that they had no opinion whatever on what the Home Secretary admitted to be a very important Scotch question. That was a most unsatisfactory state of things. His hon. and learned Friend had dealt with the question well; but it only confirmed him in the opinion he had expressed from the first, that a measure of such importance ought not to be in private hands. He should vote against the second reading because the Bill did not agree with the Committee's Report, because the people of Scotland knew nothing about it, because they had had only a week to understand it in, and because Bills of such importance ought to be dealt with by responsible Ministers on the Treasury Bench.

MAJOR HAMILTON was understood to support the second reading, reserving Amendments in the Bill till Committee.

MR. ANDERSON said, that the objections taken to the Bill were objections which could be urged with much more propriety in Committee. Moreover, the hon. Baronet who moved the Amendment himself approved much that was in the Bill. He should himself support the second reading, and he was glad to find that the Government intended to do so also—at least, he supposed so, as they permitted the Lord Advocate to vote for it in order that Amendments might be made in Committee.

MR. CRAUFURD, in reply, said, it would be uselessly detaining the House to go through all the faults that had been found with the Bill; but he promised to answer them if he were allowed to go into Committee. As to the constituency which elected the small members of parochial boards, he preserved the present law, which provided that no person could be elected or vote who is not assessed to the rates, and has not paid them. This disposed of the allegations that he was putting the election into the hands of paupers. Moreover, nobody could sit as an elected small member who, within three years, had been excused from paying the rate. Hon. Members seemed to fear that he was going to take every advantage of the forms of the House in order to force the measure through. That was not at all his intention. He should endeavour to consult Scotch Members in fixing a day for going into Committee on the Bill which would give them the fullest opportunity for discussion. The second reading had been fixed for this early day on account of the difficulty experienced by private Members in forwarding their measures, but he was desirous of giving Scotch Members and the Scotch people ample time to consider the provisions of the Bill.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 48; Noes 181: Majority 133.

Words *added.*

Main Question, as amended, put, and *agreed to.*

Bill *put off* for six months.

LABOURERS' COTTAGES (SCOTLAND) BILL.

On Motion of Mr. FORDYCE, Bill to facilitate the erection of Labourers' Cottages and other buildings by agricultural tenants in Scotland, *ordered* to be brought in by Mr. FORDYCE, Mr. M'COMBIE, Mr. BARCLAY, Sir GEORGE BALFOUR, and Mr. PARKER.

Bill *presented,* and read the first time. [Bill 83.]

LOCAL GOVERNMENT DISTRICTS (CONSOLIDATED RATE) BILL.

On Motion of Mr. ANDREW JOHNSTON, Bill to provide for a Consolidated Rate in Local Government Districts, *ordered* to be brought in by Mr. ANDREW JOHNSTON, Mr. FRANCIS POWELL, and Colonel BRISE.

Bill *presented,* and read the first time. [Bill 84.]

House adjourned at a quarter before Six o'clock.

HOUSE OF LORDS,

Thursday, 27th February, 1873.

MINUTES.]—SELECT COMMITTEE—Horses, The Lord Strathnairn *added* in the place of The Earl of Lucan.

PUBLIC BILLS—*First Reading*—Victoria Embankment (Somerset House) * (28); Bastardy Laws Amendment * (29).

Third Reading—Cove Chapel, Tiverton, Marriages Legalization * [11], and *passed.*

CHELSEA WATER BILL. [H.L.]

SECOND READING.

Order of the Day for the Second Reading, read.

LORD FITZWALTER, in moving that the Bill be now read a second time, said, there was one thing which gave him confidence in performing the task assigned to him, and it was that, except under very extraordinary circumstances, their Lordships' House never refused a second reading to a Private Bill. Far be it from him to say that it was not quite within their Lordships' province to stop the further progress of any Bill at any stage; but he did hope that when a body of men, associated to serve a useful purpose towards a large population, came before their Lordships' House with a project of public utility, and asked for an inquiry into that project, such inquiry would not be refused, but that they would be allowed to bring their case before a Committee, when it could be fully examined and thoroughly discussed. He did not intend to go into the merits of the Chelsea Water scheme, because that was not the question before their Lordships—they were not asked to say it was one which Parliament ought to adopt in its present shape, all they were asked to do was to treat it as they did other Private Bills—to let it go before a Select Committee, which could examine the plans and hear the arguments of counsel and the evidence of witnesses. He begged leave to say that the matter could not be properly examined by such an assembly as their Lordships' House. He was quite aware that in the minds of some parties there were strong objections to the Bill; but he ventured to think that a strong prejudice against it had been created by statements which had no foundation in fact. It had been alleged by the Lord Mayor at a public meeting that if the scheme were carried out "the finest pleasure-ground of all England" would be destroyed; but, as a matter of fact, the ground to be occupied, if the Bill was passed, was a flat meadow, and the only destruction would be the destruction of a marsh. Again, it was asserted that it was proposed to build opposite to the Gardens of Hampton Court Palace a river wall a mile in length, while the fact was that it would be only 930 yards long. Again, it was said that the wall was to be on the bank of the river, whereas the nearest point of the reservoir would be 30 yards from the river, so that the river bank would be wholly untouched, and there would be space for planting trees between the river wall and the reservoir. These statements could not be proved before their Lordships on the Motion for the second reading, and therefore it would be very hard that the Company, who were seeking to give a large district the benefit of good water, should be prevented from being heard and advancing evidence in support of their scheme. And what was the case of the Company? As their Lordships knew, it was the duty of the Company to provide the best water they could obtain for a large number of parishes, with which most of their Lordships were acquainted. Supposing this to be a proper attempt to supply the great mass of population in the district with good water, was it right to refuse the promoters a hearing? The Government employed as an Inspector of Water one of the most eminent and experienced persons in these matters. He had frequently reported that certain conditions were essential to a supply of pure water; and the Company had been told by one of the first water engineers in the kingdom that the scheme proposed in the Bill was the best that could be devised for the purpose in view; and before fixing on the present site they had taken the opinion of the most experienced persons, who all reported that it was most admirably adapted to the purpose. If carried into effect, it would not give a single additional sixpence of dividend to the shareholders. The outlay of £150,000 would not give them any advantage, but it would benefit those who drank the water. By means of an inquiry before a Committee, the Company would be able to ascertain whether any better scheme could be prepared. It should be stated that the persons holding appointments under the Government had joined in recommending the Company to promote this Bill. As he had said, the ground to be taken was not in the least ornamental; the plan would not affect residential property in any way; and the Thames bank would be untouched. He therefore trusted that their Lordships would permit the Bill to be read a second time, and send it, in the ordinary way, to a Select Committee.

Moved, "That the Bill be now read 2ª."—(*The Lord Fitzwalter*).

THE MARQUESS OF SALISBURY said, that in the absence of his noble and learned Friend (Lord Cairns) who had given notice to move as an Amendment that the Bill be read a second time that day six months, he had himself undertaken to do so. His noble Friend who moved the second reading (Lord Fitzwalter) had devoted a considerable portion of his speech to a vindication of the purity of the motives that had actuated the directors of the Company; but his noble Friend's efforts in that line had been wholly superfluous. No one desired to cast any reflection on the directors of the Company. No doubt they had endeavoured to do their duty to their shareholders, with the best of their ability, and in accordance with the obligations cast on them; but that House had a duty as well as the directors of the Company—it was their Lordships' duty if not theirs to look after the public interests in this matter. He had the deposited plans before him; and there could be no doubt what the facts were. The noble Lord said that the proposed wall was at a considerable distance from the edge of the river; but, looking at the plan, he found that the wall was positively in the river.

LORD FITZWALTER: That was the first plan; there was an amended plan.

THE MARQUESS OF SALISBURY said, he believed he was looking at the last edition. Of course, what the Company might be prepared to do under pressure was quite another thing. It was not an unusual thing for promoters to apply to Parliament for large powers, but to intimate that they did so as a matter of form, and without any intention of acting upon them. This course was somewhat analogous to that pursued by those obliging persons who offered young gentlemen money and only required in return their signature to a bit of paper, which they assured them meant nothing. But if they once got the piece of paper they would act on it. And he thought their Lordships would attach about the same value to the professions of promoters given under such circumstances, and might suspect that if they once got the power they were likely to act upon it. The reservoirs and wall proposed by the Company were to be opposite to the Pavilion Terrace, in the grounds of Hampton Court. For a length of some thousand yards an erection was to be built—it might be a bank or it might be a wall, but according to all precedent it would be a wall. They proposed that it should be 22 feet high, but might be 27 feet high, and was to extend opposite the whole length of the Pavilion Terrace. The noble Lord had spoken somewhat slightingly of the land upon which this erection was proposed to be made. It was not possible to exhibit in the House a photograph of the spot; but the country must be in the recollection of most of their Lordships; and so far from being an ugly marsh it was a bank very beautifully wooded, and added not a little to the remarkable attractions of one of the few places on the Thames left in their natural beauty for the enjoyment of those who sought the banks of the river for pleasure and recreation. Now, if the Park at Hampton Court were the property of any of their Lordships—what would they do in such a case? Here was a park of singularly natural beauty, and all the more endeared to the possessors because it had been such a park for many hundred years. Suppose a water company proposed to build opposite to it a wall 27 feet high, which would cut off half the river from that proprietor and extend for a length of about half a mile in front of the principal features in his park—would not the proprietor say that such an erection would make his place uninhabitable, and would he not ask that or the other House of Parliament to prevent such an injury? But if he were unable to prevail on Parliament to put an end to such a scheme, a private proprietor whom it was proposed to injure in such a way would have the ordinary law of the country to appeal to. He would get compensation, and he would also have an an opportunity of arguing his case before a Parliamentary Committee. But the Public at large were the virtual possessors of the Park at Hampton Court. They resorted to it in thousands for recreation and amusement. Now it was proposed to take from the Public the enjoyment they had hitherto had of their Park; but it would be impossible to compensate the Public as a private proprietor might be compensated, for the simple reason the rules of Parliament did not allow of the Public being heard before a Parliamentary Committee in such a case. That, then, was his justification for asking their Lordships to reject this Bill on the second reading. He agreed with what had been said as to the inexpediency of throwing out Private Bills on the second reading as a rule. On each Bill there were generally two contending parties, whose differences could best be adjusted before a Select Committee; but in this case the Public could not be heard before a Committee at all—in point of fact the Committee would hear nothing but the grievances of private individuals and the case for the promoters, and all that the Public would suffer would be absolutely shut out from their consideration. If there were any difficulty in supplying a portion of the metropolis with water, except by means of this scheme, the case would be different; but it was only a matter of the slenderest economy that had induced the Company to fix upon this particular spot. There was no reason why they should not fix on a site for their reservoirs higher up, like the other Companies. He held a letter from Mr. Hawksley, the eminent engineer, who indicated another spot; and as he imagined there was no difficulty on this point, he did not think that those who opposed the second reading were open to the charge of trying to prevent the Company from obtaining a supply of water. There was one other objection which had been suggested to him by a distinguished authority. It was that a high wall running for a length of half a mile along that part of the Thames would considerably increase the risk of fatal accidents to not always experienced oarsmen, who, when their boats now capsized, swam to the bank and were able to get on land. It did not require the gift of prophecy to see that such a wall would much increase the risk run by such persons. For all these reasons he hoped their Lordships would not be induced to give the Bill a second reading.

Amendment *moved,* to leave out ("now,") and insert ("this day six months.")—(*The Marquess of Salisbury.*)

EARL GRANVILLE said, he was desirous of saying a few words before their Lordships went to a division. He did not feel competent to give an opinion on the merits of the Bill, and he thought he was not going too far in saying that there were a great many of their Lordships quite as incompetent in that respect as he was. But the preliminary proceedings with regard to this Bill reminded him very much of what used to go on in the House of Commons when he first knew it. At the time to which he referred there was canvassing on both sides in the case of every Private Bill. Now, in this instance he, and no doubt all of their Lordships, had been canvassed on both sides, and had been furnished with two sets of papers—one by the promoters and the other by the opponents of this Water Bill. The promoters said the object they had in view was one of a great sanitary character; they were desirous to supply a portion of the metropolis with pure water, and they asked that their project should not be rejected till they had an opportunity of laying its merits before a Select Committee. That was the course taken by them. On the other hand, the opponents of the Bill said the scheme was one to destroy one of the most beautiful places on the banks of the Thames, and that if it were adopted it would interfere with the enjoyment of that place by the thousands who at present resorted to it. Now, he was not in a position to say what was the fact and what was not the fact in this case. That was the first point to be ascertained; and he believed the only way in which their Lordships could ascertain it was by means of a Select Committee. But the noble Marquess who moved the rejection of the Bill (the Marquess of Salisbury) argued that the Public would not have the advantage which would be possessed by a private proprietor if Hampton Court were his park. He thought the noble Marquess was mistaken. He did not think the private owner of a park on the side of the river opposite to that on which the wall was proposed to be erected would have any *locus standi* before a Select Committee of either that House or the House of Commons. While the noble Marquess argued that those works would destroy the scenery on that part of the Thames, the promoters stated that they were ready to agree that the wall would be so far back that trees might be planted on the bank of the river, and that the reservoirs, so far from being a disfigurement, would positively prevent the destruction of the picturesque appearance of the bank by the erection of any edifices along the edge of the river. He gave no opinion of his own as to these allegations, or as to what was said about half of the river being taken away in front of Hampton Court. What he wished to urge was that it was not desirable their Lordships should come down in unusual crowds to vote on a Bill like this. It ought to be allowed to take its chance in the usual way before a Select Committee. He thought public attention was sufficiently directed to the matter to prevent all danger of the Bill being passed ultimately if it was not desirable. If the Select Committee came down and said—"There are certain facts proved to our satisfaction, but there are other facts which ought to have their influence, though, in accordance with the Rules of the House, we were precluded from going into them"—in such a case as that it would be for their Lordships' House to strike the balance; but he did hope that some others would join him in voting with the noble Lord who moved the second reading, not thereby to vote for the Bill, but to vote that it might be subjected to a fair and impartial inquiry.

THE MARQUESS OF HERTFORD said, he should oppose the Bill on behalf of the general Public, and on behalf of those visitors, both English and foreign, who came in such numbers to admire the scenery around Hampton Court. The Company professed that their object was to obtain a supply of good water; but in a report which showed the amount of organic impurity contained in a given volume of the different waters supplied to London it was shown that while the water of the Lambeth Works, taken at Sunbury, contained 4·8, the water taken at Thames Ditton contained only 4·3. No doubt a supply of good water was very desirable; but the Chelsea Company had an opportunity, two years ago, of joining in the Lambeth Works, but for some reason best known to themselves they did not avail themselves of it. He was at Hampton Court that morning, and found that the land on the opposite side of the river was under water, being flooded by the melting of the snow, and he was informed that had there been a river wall there, such as it was now proposed to build, the Hampton Court Park, and perhaps the Palace itself, would have been flooded.

VISCOUNT MIDLETON admitted that there ought to be special grounds for departing from the usual practice of Parliament in regard to Private Bills, but he thought there were those special grounds in this case. The inhabitants of the locality were unanimously opposed to the Bill, and though the Company had no doubt had great difficulty in finding a site for their reservoir, other sites of a much less objectionable character than the one they had fixed upon might be found.

EARL GREY concurred in the observation of the noble Earl the Secretary of State for Foreign Affairs that it would be a very unusual course to reject a Private Bill on the second reading, and if it were frequently followed it would lead to very serious inconveniences. Formerly it was the practice of both Houses of Parliament to consider private legislation in the House itself. It was impossible in cases where extensive evidence or complicated plans were involved to give them consideration in a large assembly, and the result was that in cases where great pecuniary interests were involved on both sides the fate of the Bill was often decided, not fairly according to its merits, but by canvass and private intrigue. Those who, like himself, were old enough to remember the proceedings of Parliament 40 years ago, must know that the abuses became so scandalous and intolerable that Parliament was forced to the conclusion that each House, in its collective capacity, was totally unfit to deal with such questions, and that they ought to be referred to a Select Committee, where they could be maturely considered, and where the matter could be decided after a careful examination of plans and the hearing of evidence. He was far from saying that the proceedings of Parliament in respect of private legislation were even at this moment altogether satisfactory, but certainly they were a great improvement on the former state of things. At the period to which he had referred he had seen all the excitement that usually characterized a debate on a great party question imported into the consideration of a Private Bill. It was most important for the honour and character of their Lordships' House that the old abuses should not be allowed to rear their heads again; but, having regard to the appearance of the House at that moment, he would venture to ask their Lordships whether a danger of that kind did not really exist? Was the question of this second reading before their Lordships without any canvass—without any solicitation on the one side or the other? He was afraid that could not be said. But it had been said that there were special reasons for taking this Bill out of the ordinary category of private legislation. He had listened carefully for those reasons, but he had not been able to discover them. There was not one of their Lordships who could take upon himself to say that —apart from what was contained in the papers which had been printed on one side and the other—he had information which would enable him to form a sound opinion as to which of the two parties was in the right. The case, therefore, was exactly one in which their Lordships should adhere to their usual practice of referring the Bill to a Select Committee. The noble Marquess who moved the Amendment (the Marquess of Salisbury) said the Public could not be heard by a Select Committee. Now, he found among the petitioners against the Bill, the Conservators of the Thames, and the residents of Thames Ditton; and he found that money was being raised to assist the opponents of the measure in putting their case before Parliament. He repeated, therefore, that there was no reason for not sending the Bill before a Select Committee. No doubt the Select Committee would be quite alive to the importance of preserving the public interests and of preventing Hampton Court from being damaged; and if it should be found that the Bill would injure Hampton Court in the manner alleged there would not be the slightest chance of its becoming an Act of Parliament.

THE DUKE OF RICHMOND said, he did not mean to follow the noble Earl (Earl Grey) into a history of the private legislation of Parliament; but as he was one of the individuals to whom the noble Earl alluded when he said that not one of their Lordships had information sufficient to enable him to come to a conclusion on the merits of the Bill, he ventured to tell the noble Earl that he, for one, had that information. More than that, he was convinced that he did not stand alone. The majority of the noble Lords then present were as capable of coming to a decision on the Bill as any Select Committee would be. His noble Friend the Secretary for Foreign Affairs, with that ingenuity of which he was so great a master, ran round the subject to be discussed, and left the public interests altogether out of consideration; and the noble Earl who had just spoken referred to the Petitions of the inhabitants of Thames Ditton and the Conservators of the Thames. But the noble Earl had quite omitted to show that the inhabitants of Thames Ditton would have any *locus standi* before a Select Committee. If they would not, how could they protect the public interests? But the noble Earl said the public interests would be guarded by the Conservators of the Thames. Now, if the Conservators of the Thames attempted to go outside the four corners of their petition, which had reference solely to the navigation and bed of the river, it would be the duty of the Select Committee to refuse to hear them. The case of the general Public who were in the habit of frequenting Hampton Court could not, in any way, be brought before a Committee, and he did not hesitate to say that, of all the able men in the body of Parliamentary agents, the ablest would not be able to draw up a Petition which would give the public a *locus standi* before a Select Committee on this Bill. There could be no doubt of the injury the proposed erection would do to the Park at Hampton Court; and, that being so, unless it was shown that the reservoirs could not be placed in at least as good a place as that fixed on by the promoters, he thought their Lordships ought, in this case, to depart from the usual course and refuse to read the Bill a second time. His noble Friend the Secretary for Foreign Affairs laid down the "hard and fast line" that no Private Bill ought to be opposed on the second reading. He could not take that view, and therefore he had much satisfaction in supporting the Amendment.

LORD REDESDALE said, he by no means wished to lay it down as a rule that a Private Bill ought never to be opposed on the second reading. On the contrary, he thought there were occasions when a Private Bill ought to be opposed at that stage. If it was quite clear that a Bill ought not to pass, it would be much better for all parties to reject it on the second reading. The only good objection against reading this Bill a second time was one furnished by the promoters themselves in their having found it necessary to declare that they would engage to depart from the deposited plans, admitting thereby that what they had proposed was indefensible. They now said that they would give up the river wall, and put the reservoir within certain lines, so as to make the embankment ornamental. On the other hand, on the very spot selected for the reservoir there might at any time be erected the most offensive manufactory, and the amended plan might very probably prevent a nuisance which all would consider more objectionable. Still the feeling of the inhabitants appeared to be unanimously against the Bill, and the Company had put themselves in the wrong by laying themselves open to such great objections. So many Peers had asked him how he intended to vote, intimating their intention to follow his example, that having stated both sides of the case as fairly as he could, he thought the proper course for him to pursue would be to decline giving a vote on the question.

EARL GRANVILLE asked whether or not the noble Lord (Lord Fitzwalter) was authorized on the part of the Company to say that they would alter their scheme so as to meet the objections taken to it.

LORD FITZWALTER was authorized to say that if a modification of the scheme was deemed requisite, they were quite ready to adopt it. It would be impossible for them otherwise to go before the Committee with any chance of success.

The Marquess of SALISBURY remarked that if the Bill went before a Committee there would be nobody whose interest or in whose power it would lie to enforce the proper fulfilment of the pledge given by the noble Lord.

Lord REDESDALE would remind their Lordships that they would be able to reject the Bill on the third reading if it came back from the Committee in an unsatisfactory shape.

On Question, That ("now") stand part of the Motion?—Their Lordships *divided:* — Contents 29; Not-Contents 70: Majority 41:—*Resolved* in the *Negative;* and Bill to be read 2ª *this day six months.*

CONTENTS.

Selborne, L. (*L. Chancellor.*)

Saint Albans, D.
Somerset, D.

Ailesbury, M.
Lansdowne, M.

Camperdown, E.
Cowper, E.
Granville, E.
Grey, E. [*Teller.*]
Vane, E. (*M. Londonderry.*)

Halifax, V.

Ashburton, L.
Aveland, L.
Camoys, L.
De L'Isle and Dudley, L.
Fitzwalter, L. [*Teller.*]
Hanmer, L.
Kenmare, L. (*E. Kenmare.*)
Lawrence, L.
Lyttelton, L.
Poltimore, L.
Robartes, L.
Rosebery, L. (*E. Rosebery.*)
Saltersford, L. (*E. Courtown.*)
Seaton, L.
Somerhill, L. (*M. Clanricarde.*)
Truro, L.
Vernon, L.
Wrottesley, L.

NOT-CONTENTS.

Cambridge, D.

York, Archp.

Norfolk, D.
Richmond, D.
Rutland, D.

Hertford, M. [*Teller.*]
Salisbury, M. [*Teller.*]
Westminster, M.

Abergavenny, E.
Abingdon, E.
Annesley, E.
Bathurst, E.
Cottenham, E.
De La Warr, E.
Denbigh, E.
Essex, E.
Howe, E.
Lauderdale, E.
Lucan, E.
Malmesbury, E.
Manvers, E.
Morton, E.
Mount Edgcumbe, E.
Selkirk, E.
Shaftesbury, E.
Stanhope, E.
Strathmore and Kinghorn, E.
Verulam, E.

Bolingbroke and St. John, V.
Eversley, V.
Exmouth, V.
Hardinge, V.
Hawarden, V.
Sidmouth, V.
Sydney, V.

London, Bp.
Winchester, Bp.

Abinger, L.
Belper, L.
Boyle, L. (*E. Cork and Orrery.*)
Braybrooke, L.
Brodrick, L. (*V. Midleton.*)
Chelmsford, L.
Colonsay, L.
Colville of Culross, L.
Congleton, L.
Ebury, L.
Ettrick, L. (*L. Napier.*)
Foley, L.
Foxford, L. (*E. Limerick.*)
Gwydir, L.
Howard de Walden, L.
Hylton, L.
Kesteven, L.
Meldrum, L. (*M. Huntly.*)
Monson, L.
Monteagle of Brandon, L.
O'Hagan, L.
Ormonde, L. (*M. Ormonde.*)
Ponsonby, L. (*E. Bessborough.*)
Romilly, L.
Saltoun, L.
Stanley of Alderley, L.
Stratheden, L.
Strathnairn, L.
Templemore, L.
Thurlow, L.
Wharncliffe, L.
Wynford, L.

House adjourned at half-past Six o'clock, 'till To-morrow, half-past Ten o'clock.

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HOUSE OF COMMONS,

Friday, 27th February, 1873.

MINUTES.] — New Members Sworn — Sir Richard Wallace, baronet, *for* Lisburn; Robert Vans Agnew, esquire, *for* Wigtonshire; Edward Wingfield Verner, esquire, *for* Armagh County.

Select Committee—Turnpike Acts Continuance, *nominated.*

Supply—*considered in Committee*—Army Estimates—r.p.

Public Bills—*Ordered—First Reading*—Salmon Fisheries Commissioners* [85].

Second Reading—Railway and Canal Traffic [34].

CHARING CROSS AND VICTORIA EMBANKMENT APPROACH BILL.

MOTION TO REFER TO A SELECT COMMITTEE.

Lord ELCHO rose, according to Notice, to move that the Bill be referred to a Select Committee of nine Members, five to be named by the House and four by the Committee of Selection. He regarded the question involved in this Bill not as one of the character ordinarily dealt with in Private Bills, but as one of metropolitan and almost of Imperial importance. He wished to treat this not as a question of art, or even of architecture, but simply as a question of Parliamentary procedure. Ever since that magnificent work, the Victoria Embankment, had been completed, the Metropolitan Board of Works had naturally desired to render it as useful as possible by making an approach to it from Charing Cross. That approach they had wished to make through Northumberland House; but for a time they encountered great difficulty in obtaining the consent of the owners of the land. That difficulty had now, however, been overcome, and a Bill for carrying out the work had been brought in, and had passed the Standing Orders. £542,000 was required for the work, part of which would be recouped by the sale of land, and the other part raised from the taxpayers of the Metropolis; and they were told that the measure came before them as a Private Bill. He did not dispute the necessity of the work; but he desired to raise a question of procedure. He thought that it would be better and much more convenient to adopt the curvilinear approach suggested by the late Mr. Pennethorne, which would avoid Northumberland House altogether, and take only a small portion of the garden. If, moreover, they swept away that ancient historic monument, Northumberland House, the hideous railway bridge near Charing Cross would mar the prospect from the finest site in Europe. He wished the Bill, therefore, to be sent before a hybrid Committee, who would consider the whole question from a broader point of view than that taken by an ordinary Private Bill Committee. He did not attack the Metropolitan Board of Works. On the contrary, he willingly gave them great credit for much they had done in London. The Holborn Viaduct was an honour to the country and to them. [Mr. Crawford: That was built by the City.] Then it was an honour to the City. The Metropolitan Board of Works was not an infallible body, as was proved by the mistake they made in erecting the stands in Hyde Park on the Thanksgiving Day.

Colonel HOGG rose to Order, and submitted that the erection of those stands had nothing to do with the Question before the House.

Mr. SPEAKER said, although he thought the noble Lord would exercise a wise discretion in not referring to the erection of the stands, yet he could not say he was absolutely out of Order.

Lord ELCHO said, the cost for the erection of those stands had been disallowed, and he only wished to say that Parliament must not allow itself to be overridden by the Metropolitan Board of Works, under the impression that it was an infallible body, and its schemes were to be adopted without question. The noble Lord concluded by moving that the Bill be referred to a Select Committee.

Mr. SPEAKER suggested a modification in the terms of the Motion owing to the Bill having been already referred to the Committee of Selection.

Mr. BAILLIE COCHRANE, in seconding the Motion, said, that before they got rid of one of the last of the old palaces of this great city they should assure themselves that they were doing so for the purpose of effecting a substantial improvement. In the present instance it was exceedingly doubtful whether the sweeping away of Northumberland House, which was an ornament to the Metropolis, and which had so many historical associations connected with it, would be a benefit to the public. It remained, therefore, for the Board of Works to prove to the House what had been stated in private—namely, that the proposed street over the site at present occupied by Northumberland House would take away half the traffic from the Strand.

Motion made, and Question proposed,

"That Standing Orders Nos. 7 and 203 be suspended in the case of the Charing Cross and Victoria Embankment Approach Bill, and that the Bill be referred to a Select Committee of Nine Members, Five to be nominated by the House, and Four by the Committee of Selection, and that they be empowered to consider generally and report upon the Charing Cross and Victoria Embankment Approaches." — (*Lord Elcho.*)

Colonel HOGG: I rise, Sir, for the purpose of asking the House to reject the Motion of the noble Lord, and I believe I shall be able to show that in the present instance there is no reason for a departure from the usual course adopted by the House with reference to Private Bills, and, moreover, that the Motion is, in fact, a direct infringement of Section 3 of the Standing Orders. A Committee of four Members appointed by the Committee of Selection, and in no way interested in the measure before them, will, I venture to think, be more satisfactory to the House and to the promoters of the Bill than the hybrid Committee proposed by the noble Lord, as the five Members whom the House would appoint, might be hon. Members pledged to a particular line of action. In support of this view, I will refer to the precedents afforded by the action of Parliament on many previous occasions with regard to the measures promoted by the Metropolitan Board of Works. I hold in my hand a list of 14 improvements promoted by the Metropolitan Board of Works, which were referred to the usual Committees. I do not wish to weary the House, but will just mention a few of these improvements—Finsbury Park, 1857; Garrick Street, from St. Martin's Lane to Covent Garden, 1857; Southwark Street, 1857; the Chelsea Embankment, 1868; Park Lane, 1869, and last, but not least, the new thoroughfares sanctioned by the Act of last Session. The noble Lord refers to precedents, and has alluded to the Shoreditch Improvement of 1871, but as some proof that the House was not satisfied with this solitary departure from the usual practice, I may mention that last year it rejected a similar Motion by a majority of 170 to 122, and subsequently upheld its Standing Orders, on a further division, by 150 to 108. Granted that the improvement for which the Board are now seeking powers is of a highly important character, still it is surely not more so than that comprehensive scheme to which this House gave its sanction last year. The carrying out of the Metropolitan Street Improvements Act will involve an expenditure of £2,500,000, while the acquisition of Northumberland House with the other property required will be but little over £500,000, of which the Board believe they will receive back nearly half from the sale of the surplus land. With regard to the question of architectural effect, I venture to think that I may, without arrogance, assume that the Board and their officers who have executed works which have met with approval, not only from our fellow-citizens, but from intelligent foreigners, are well qualified to exercise their judgment in matters of this nature, and I may add, that in no case are buildings allowed to be erected on the Board's land until the plans and elevation have been submitted to and approved by the architect as well as the Board. The question of the necessity of this or some similar improvement, is one on which I feel I need not enter at any length. It is universally admitted, and until proper approaches are formed it is obvious, that the Thames Embankment will not be utilized as it ought to be, nor the traffic of the Strand and Fleet Street be appreciably relieved. Nor is the present scheme a new one; it is almost coeval with the Embankment itself, and the Board have already on one occasion unsuccessfully promoted a Bill to carry it out. The present time, however, is peculiarly favourable; much building property has been swept away at the rear of Northumberland House, and, the ground being now vacant, it appeared to the Metropolitan Board a good opportunity to carry out the desired improvement. No less than seven schemes were brought before the Board, and after much consideration, it was decided that the finest and cheapest approach, and that which would be most satisfactory to the metropolis generally, would be to go through Northumberland House. In support of my view, I may also mention that the Select Committee on Hungerford Bridge and Wellington Street Viaduct, of which the noble Lord was Chairman, expressed an opinion of the absolute necessity of an approach to the Embankment from Charing Cross. With regard to the action of the Duke of Northumberland, it is not only my duty but a pleasure to bear witness to his having in the most noble and public-spirited manner consented to sacrifice his ancestral residence, rich with historical memories, for the benefit of the inhabitants of London. It is for the House to decide whether the noble Lord's reference to the recent disallowance by the auditor of certain items expended by the Board, was generous or relevant to the question at issue, and whether it should not have been left out of the present discussion. Had the Metropolitan Board adopted the noble Lord's suggestion of a curvilinear line they would still have to buy Northumberland House, and would incur far greater expense than now proposed; for the line of street would take off a corner of the gardens, and as the Duke would not agree to severance of his property, it would consequently be necessary to take all. Moreover, Sir, would it be wise to construct, at a far greater expense than the present scheme, a circuitous street when a direct line may be obtained? If the House decide to adhere to its usual practice, everything that petitioners against the Bill may have to urge can be advanced and will be considered, and I ask the House whether it is either right or wise to raise a question of procedure upon such an issue? If the noble Lord desires that the recommendation of the Select Committee of 1869 shall be carried out, the proper course for him to adopt would have been to bring in a Bill to give effect to the recommendations of that Committee. He has not thought fit to take that course, but has endeavoured to raise the question of procedure by a side wind. I ask the House not to assent to the Motion, but, following the usual practice, to refer the Bill to an impartial tribunal, and I leave my case with confidence in the hands of the House.

MR. CRAWFORD said, he should support the Motion of the noble Lord. His hon. and gallant Friend opposite (Colonel Hogg) had stated that this question would come before an unbiassed Committee, consisting of four independent Members of this House; but the very fact that four would be selected in this way led him to prefer the proposition of the noble Lord. Besides that, a question dealing with a site in the very heart of the Metropolis and in the immediate neighbourhood of Charing Cross should be left to such a Committee as the noble Lord proposed rather than to a Committee selected in the usual way.

MR. BERESFORD HOPE, as a Member of the Committee of 1869, was surprised at the remark of the hon. and gallant Member for Truro (Colonel Hogg) that that Committee had recommended an approach through Northumberland House. All the Committee said was, that besides the Northumberland House road, which had been rather obtrusively thrust upon its attention, there was another, of which the Committee itself drew out the merits, which was practicable. He denied that the Committee had said anything recommendatory of the Northumberland House way in comparison with the skirting road. Their words were, that the wants of the district would be best met either by a direct approach to the Embankment at Charing Cross, through Northumberland House, or by a curved line of roadway from Charing Cross skirting Northumberland House. The hon. and gallant Colonel had said—"Why not trust the Metropolitan Board?" He would tell him why. Because after proposing to make an Embankment, it was party to that monstrous viaduct by which it was proposed to intersect diagonally the reclaimed ground, so that an Act of Parliament was wanted to undo the joint muddle of the Metropolitan Board and the Office of Works. For that reason he did not trust the Board, neither could he trust the Committee to which the hon. and gallant Colonel would have the question referred, for the purpose of settling a question affecting the most central site of the leading city of the world, and he was bound to declare that the opposition on the part of the Board to a full inquiry was presumptive evidence of the weakness of their case.

DR. BREWER said, that the noble Lord considered that an Imperial question; but the action of the House itself had divested the House of the jurisdiction of the Metropolis, and delegated it to the Board of Works. They had thrown the whole responsibility on this newly-created Board. The original intention of the Metropolitan Board was to make the Hungerford Bridge and Wellington Street Viaduct approach through Northumberland House; but in consequence of the action of the noble Duke it was impossible to obtain Northumberland House. It had therefore been suggested that a part of the grounds behind the House should be taken; but the noble Duke had said that if they took a part they had better take the whole.

MR. BONHAM-CARTER said, he could not accede to the Motion of the noble Lord, which would vary the ordinary procedure in these cases. The noble Lord raised the question on the Rules of the House, but it really was on a point of art that he wished them to depart from their usual practice. What he proposed was to take the Bill out of the hands of the Committee of Selection, to which it was already referred—a Committee presided over by his right hon. and gallant Friend the Member for North Lancashire (Colonel Wilson-Patten), and whose care in the discharge of his duties they all knew—and to send it to a Committee composed of Members who were not bound to attend from day to day, and where it might happen the proceedings would be very prolonged, because the question of taste would be introduced, and the promoters might have to pay the expenses of both sides. In the case of the Park Lane Improvement, in which the House was greatly interested, there was no departure from the ordinary course, and he trusted they would adhere to that course in the present instance. He would, in conclusion, remind the House of the decision of the late Speaker on the occasion of a similar Motion with reference to the Westminster Improvements Bill, in 1865. The Speaker then said that—

> "When a Bill was introduced into that House as a Public Bill which involved private interests, it was subjected to the same examination which was provided for Private Bills; but strictly Private Bills were never turned into hybrids."—[3 *Hansard*, clxxx. 44.]

Question put.

The House *divided*:—Ayes 72; Noes 187: Majority 115.

COAL—ECONOMY OF FUEL—SELECT COMMITTEE.—QUESTIONS.

Mr. STAPLETON asked the First Lord of the Treasury, Whether, inasmuch as a Committee has been granted to inquire into the cause of the present dearness and scarcity of coal, and to report thereon to the House, the Government will move for the appointment of a Committee to inquire into the means of economizing fuel, with a view to prevent the unnecessary exhaustion of our coal fields, as well as to aid in relieving the present distress by collecting all the available information on the subject and placing it before the building trade and the public in an authentic form and with such authority as may belong to a Report made to this House by a Select Committee?

Mr. GLADSTONE: I am of opinion that the fact that this House has already appointed a Committee to examine into the present high price of coal is a reason against the appointment of another Committee for examining a subject so very near to it as that indicated by my hon. Friend's Question. A Royal Commission of very high authority has sat for the purpose of ascertaining, as far as can be ascertained, the state of our coal supply; and I think the Report of that Commission, together with the labours of the present Committee, ought to be sufficient to produce the results which my hon. Friend desires.

Afterwards—

COAL MINES—INUNDATIONS OF WORKINGS.

Mr. NEWDEGATE asked, Whether the Government would have any objection to lay on the Table a Return showing the number of collieries which, during the last six months, had been partially or wholly interrupted in their workings by inundations, resulting from the extraordinary wet season they had passed through?

Mr. BRUCE, in reply, said, that from inquiries made of the Inspectors he had found that, with the exception of one district, there had been no unusual quantity of water in the collieries. In South Staffordshire, the district he had referred to, the increase was due entirely to the absence of sufficient pumping power. To supply the Returns asked for would materially interfere with the ordinary duties of the Inspectors, and he presumed that under those circumstances the hon. Member would not desire they should be furnished.

UNITED STATES — OFFENCES ON THE HIGH SEAS.—QUESTION.

Mr. GOURLEY asked the Under Secretary of State for Foreign Affairs, What negotiations, if any, have been entered into with the American Government for the purpose of obtaining a Maritime Treaty granting equal jurisdiction to the legal authorities of both Countries to deal with desertion and all other offences, whether committed on board ship on the high seas, in port, or on shore?

Viscount ENFIELD said, there had been repeated negotiations with the Government of the United States on the subject of offences committed on the high seas in 1854, 1859, and 1869. The subject was one of much difficulty, as an Act of Parliament would be required conferring the necessary jurisdiction, and he did not expect the question could be properly dealt with during the present Session.

CANADIAN BOUNDARY—ROBERT'S POINT.—QUESTION.

Sir JOHN HAY asked the Under Secretary of State for Foreign Affairs, Whether any arrangements have been entered into with the Government of the United States of America to transfer that portion of Robert's Point south of the 49th parallel of north latitude to the Dominion of Canada? The hon. Member said that although the peninsula would belong to Canada, yet about two miles of it appeared to be south of the boundary line, and would seem to be left in the hands of the United States.

VISCOUNT ENFIELD: Some communication passed on this subject between the Commissioners in 1859; but I believe that the United States Government did not return any official reply on this point, and since that date the subject has not again been matter of communication between the two Governments.

ARMY—THE MUTINY BILL. QUESTION.

MR. W. JOHNSTON asked the Secretary of State for War, When he intends to introduce the Mutiny Bill; and if he will omit or alter the Clause usually inserted which provides that no soldier can be compelled to maintain any relation or child, or pay for the support of any illegitimate child?

MR. CARDWELL, in reply, said, that the Mutiny Bill was always introduced by Order of the House as soon as the Resolution as to the number of men was reported to and accepted by the House. He stated on Monday that he intended to omit altogether the obnoxious provision in Clause 40 relating to the maintenance of illegitimate children, and to substitute for it such precautions as the possible absence of the soldier on service might render necessary, in order to guard against either an oppressive or a collusive exercise of the power of proceeding against him.

ARMY—FIGHTING BETWEEN SOLDIERS.—QUESTION.

SIR WILFRID LAWSON asked the Secretary of State for War, What steps have been taken touching the proceedings reported to have occurred at Dover on the afternoon of Sunday February 16th, when, it is stated, that about 150 soldiers (accompanied during part of the time by a garrison military policeman) attended for an hour and a half at a fight carried on between two of their comrades, and ultimately left one of the combatants dying on the ground?

MR. CARDWELL, in reply, said, he was informed that the principal offenders were in the hands of the civil authorities, awaiting their trial, and that the general had been instructed to bring to a court-martial any other whom he considered to deserve it for neglect of duty.

CENTRAL ASIA—THE "INTERMEDIATE ZONE." — QUESTION.

MR. MONTAGUE GUEST asked the Under Secretary of State for Foreign Affairs, with regard to the Central Asian question, Whether it is the intention of Her Majesty's Government to call upon the Russian Government to define a line beyond which they will not make a permanent advance towards the intermediate zone, or whether Her Majesty's Government recognize all the territory on the right bank of the Oxus as available for Russian annexation?

VISCOUNT ENFIELD: Her Majesty's Government do not intend to make any such demand upon the Russian Government, nor can they undertake now to recognize, as available for annexation by a foreign State, territory which has not been annexed by such State. It would be clearly inconvenient and injudicious to lay down a course to be pursued in hypothetical cases.

ARMY ESTIMATES — SOLDIERS' PAY AND RATIONS.—QUESTIONS.

MAJOR ARBUTHNOT asked the Secretary of State for War, to explain verbally, or to lay upon the Table, a Statement as to the exact operation of his Scheme for granting free rations to soldiers, specifying the amount of pay previously received by the men of each branch of the service—viz., Household Cavalry and Infantry, Cavalry and Infantry of the Line, Royal Horse Artillery, Royal Artillery, Royal Engineers, Army Service Corps, and the amount which they will now receive in addition to a free ration; how Non-Commissioned Officers will be affected; and, any occasions or circumstances under which it is proposed that stoppages of pay should be made other than those at present existing?

MR. CARDWELL: The stoppage of which I spoke on Monday was, as I said, that for the ration of bread and meat, which is universal throughout the Army, and amounts to 4½*d.* The stoppage for washing sheets is also intended to be abolished by the arrangement. It is intended to give to the—Gunner, Royal Horse Artillery, 1*s.* 4*d.*; driver, 1*s.* 3*d.*; gunner, Royal Artillery, 1*s.* 2½*d.*; driver, 1*s.* 2½*d.*; Royal Engineers, 1*s.* 1½*d.*; private — Cavalry Line, 1*s.* 2*d.*; Foot

Guards, 1*s.*; Infantry, 1*s.*; and Army Service Corps, 1*s.* 2*d.* Non-commissioned officers will all be more or less benefited. As a rule, the gain will be one halfpenny; but in some instances only one farthing. The Army Hospital Corps will have free rations, and on account of the exceptional position of the Household Cavalry in regard to pay, it is not proposed that this arrangement shall, for the present at least, be applied to them. As I stated the other evening, the re-engagement money is included, so that a re-engaged man in the Infantry will gain one halfpenny, not 1½*d.* The occasions on which stoppages will be made, other than those now existing, resolve themselves into stopping the whole pay of a man when in hospital from causes due to his own intemperance or vice. As I mentioned, if in any case any class could upon the whole lose anything in the arrangement, which is a complicated one, that result will be provided against.

Major ARBUTHNOT asked whether there would be any stoppage with regard to the furlough?

Mr. CARDWELL: I stated the other evening that furlough pay will be the regular pay, and that it is not intended to make any allowance for the loss of rations during furlough.

In answer to Lord Elcho,

Mr. CARDWELL added: I spoke only of the principal rations, for which 4½*d.* is deducted. What is called the grocery, or mess stoppage, is, as I understand it, on a different footing. It is to supply the means of making the mess purchases through the Control department at certain stations, and has been thought to be a convenient way of enabling the mess to make its purchases more conveniently and cheaply than in the open market.

ARMY—YEOMANRY AND VOLUNTEER ADJUTANTS.—QUESTION.

Sir HENRY SELWIN-IBBETSON asked the Secretary of State for War, If his attention has been called to the present difference between the pay of Adjutants of the Yeomanry Cavalry, and of the same officers in the Volunteer Forces; and if he will consider the advisability of increasing their pay and allowances, with a view to rectify this inequality?

Mr. CARDWELL: My attention has been directed to the difference between the pay of Adjutants of the Yeomanry Cavalry and of the same officers in the Volunteer Forces, and also to the amount of duty required from those officers respectively. The Cavalry Colonels now about to be appointed to the new Cavalry districts will be directed to report upon the pay and also upon the duties of the Adjutants of Yeomanry, in order that we may be able to arrive at a satisfactory conclusion on the subject.

ARMY—INSTRUCTION TO OFFICERS OF THE AUXILIARY FORCES.

QUESTION.

Mr. HENRY SAMUELSON asked the Secretary of State for War, Whether it is intended to give Officers of the Auxiliary Forces the opportunity of obtaining educational advantages analogous to those which the Staff College affords to Officers of the Regular Army?

Mr. CARDWELL: I stated the other evening the satisfactory progress which the improved means of education recently afforded to officers of the Auxiliary Forces have already produced, and I anticipate greatly increased improvement from the education now about to be given at the several Brigade depôts. We have not yet taken into consideration the further question whether and in what manner the special advantages afforded by the Staff College to a limited number of officers of the Regular Army can be extended to the Auxiliary Forces; but I welcome my hon. Friend's Question as a significant proof of the great interest felt by those officers in the subject of improved education.

JURIES (IRELAND) ACT, 1872—CLARE ASSIZES.—QUESTION.

Mr. BRUEN asked the Chief Secretary for Ireland, Whether his attention has been drawn to a report in a Dublin newspaper of incidents that occurred at the Clare Spring Assizes, showing the operation of the Juries Act of last Session; when the panel was called over, several jurors persisted in answering for others, and hardly knew their own names, others understood only the Irish language, and when the traversers were arraigned it was discovered that the foreman could neither read nor write;

and, whether he has ascertained the truth of these statements; and, if so, whether he will propose a remedy for a condition of the law inconsistent with the due administration of justice?

THE MARQUESS OF HARTINGTON: I have caused inquiry to be made into this subject, and I find that the statements contained in the Question are substantially correct. At the Clare Assizes, the other day, when the panel was called over, the names of several jurors were answered to, though afterwards it turned out that these jurors were not present. In one instance, after the verdict was given, and it was necessary to sign the issue-paper, it was found that the foreman was unable to write, and the issue-paper had to be signed by the second on the list; and in one instance it was ascertained that a juror was acquainted with the Irish language only, and he consequently was not sworn. There has not yet been sufficient time to form a correct judgment with regard to the working of the Act. Very careful inquiries are being made during the present Assizes as to its operation; and, if necessary, steps will be taken without delay to amend the Act. I may mention that the Bill, when introduced by the Government, provided a much higher qualification for service on juries than was afterwards inserted. Between the introduction and the second reading of the Bill many suggestions, with a view to reduce the qualification, were proposed. These changes were made in both Houses, and at the request of various influential persons. For instance, on the suggestion of the Chamber of Commerce of the City of Dublin, and of many leading merchants, the qualification of special jurymen was reduced by one-half, and the same was done in other cases relating both to special and common jurors. It is quite possible, no doubt, that these changes may have been carried too far, and that the amount of qualification may require revision. If the experience of the present Assizes should show this to be the case, the change can be very promptly made. That some such revision of the Irish Act should be necessary need not excite surprise, when it is recollected that in England three Acts have been passed and four or five Committees appointed, within the course of a very few years, upon this very subject.

UNIVERSITY EDUCATION (IRELAND) BILL—AFFILIATED INSTITUTIONS.

QUESTIONS.

MR. GORDON asked the First Lord of the Treasury, Whether, before introducing the University Education (Ireland) Bill, he obtained information as to the number and character of "Institutions" in Ireland (other than the Magee College) which may, by the operation of the provisions of the Bill, become affiliated Colleges of the University of Dublin; and, if so, whether he will lay such information on the Table of the House?

MR. GLADSTONE: In answer to the Question of the right hon. and learned Gentleman, I have to say that our knowledge of such institutions in Ireland as may be described as affiliated Colleges is a general and not a formal or official knowledge, so that we have nothing to lay upon the Table of the House upon the subject. It was not necessary, and it was not possible for us, previously to the introduction of the measure relating to university education in Ireland, to make such inquiries as those to which the right hon. and learned Gentleman refers. That which we did think necessary was to describe in clear and emphatic terms the principles upon which the constitution of the Council of the College was to be founded; and I stated, on the part of my Colleagues and with their assent, that in our view those whom I called the ordinary members of the Council ought to constitute the main strength and force of the Council, and that any number of so-called collegiate members who may be introduced into the Council ought to be simply auxiliary and secondary elements. To that general principle the provisions of the measure ought in their details to be made to conform when, with the progress of information, we can see what precise shape these provisions ought to assume as regards the constitution of the Council.

LORD ROBERT MONTAGU, referring to the answer of the First Lord of the Treasury on Monday 24th February, asked, Whether, by the second Clause of the University Education (Ireland) Bill, it is intended that all the Colleges to be affiliated to the University, under the authority given to the ordinary members of the Council (under Clause 2), or by the ordinary collegiate members (under Clause 31, page 15), shall be selected and named by the Council prior to the 1st of January 1875; or whether such nomination and selection may be made at any period subsequent to the said date?

MR. GLADSTONE: I do not understand that any power would be given by the Bill to the ordinary members of the Council to affiliate Colleges by their own act, and with regard to the power which the ordinary and collegiate members jointly would possess, I am not aware of any distinction between the two periods referred to except that which I pointed out the other evening. I wish to take advantage of this opportunity to state that when referring to the members of the Magee College I gave the number as I found them in the calendar of the College. It is possible, however, that the figures included matriculated and non-matriculated members, and although I do not know what non-matriculated members may be, I do not think they should be considered as members of a University.

LORD ROBERT MONTAGU said, he did not understand the right hon. Gentleman's answer. He would put the Question in another form—Whether the only affiliations would be those named in the second schedule of the Bill, or whether the Council would be able to affiliate Colleges in time to come; he was to understand that the work of October, 1874, would not be an affiliation; would there be any affiliation subsequently?

MR. GLADSTONE: Yes; I said so the other day.

MR. C. E. LEWIS asked, Whether the Standing Committee of the General Assembly of the Irish Presbyterian Church on the subject of Trinity College had communicated their views on the University Education (Ireland) Bill; and, whether the Government would lay such communication on the Table?

MR. GLADSTONE: No, Sir. I answered a similar question to this the other day, so far as that day was concerned; and I have had no communication with the body referred to since that day.

IRELAND—GALWAY ELECTION PROSECUTIONS.—QUESTION.

COLONEL STUART KNOX asked the First Lord of the Treasury, Whether his attention has been called to a published statement of a speech made by the Irish Attorney General previous to the late Derry Election, when in answer to a gentleman's remark that he was a "priest hunter," he is stated to have said—"No, no, are you aware that the Archbishop of Tuam, the Bishop of Galway, and the Bishop of Clonfert, had presented a Petition asking that as a matter of right they should be tried?" And, whether the Government was influenced by that Petition in their institution of the trials that arose out of the proceedings on the Galway Election Petition?

MR. GLADSTONE, in reply, said that his attention had not been called to the speech referred to by the hon. and gallant Member opposite, until his Notice appeared on the Paper. He was obliged to the hon. and gallant Gentleman for affording him the pleasure of reading the manly and gallant speech of the Attorney General for Ireland—a speech worthy of the high character and reputation of that right hon. and learned Gentleman. He had no doubt that the hon. and gallant Gentleman opposite had formed the same opinion of that speech, if he had read it—about which he, however, was not quite certain. The Attorney General in that speech made himself fully responsible for those prosecutions instituted in Ireland. But he was sorry to say that the announcement of that fact on the part of his right hon. and learned Friend was, as reported, received with groans by the audience. Those interruptions, however, did not appear to have produced any change in his views or statements. The hon. and gallant Gentleman seemed to think that the presentation of a Petition by certain Prelates in Ireland was the motive which led the Government to institute the prosecutions against those Prelates. If it had been really the desire of those Prelates to be tried, it would have furnished an odd reason to the Government for instituting prosecutions against a large number of priests; but the hon. and gallant Gentleman opposite perhaps understood matters of this kind better than he (Mr. Gladstone) did. The desire however of those Prelates, however honourable to themselves, to subject their conduct to the ordeal of a public investigation, could have no possible influence upon the proceedings set on foot by the Irish Law Officers of the Crown. He perceived by the latter part of the Question that the hon. and gallant Gentleman was under a misapprehension, which had been shared by some others. The hon. and gallant Member ought, as a Member of that House, to know that the Government, as a Government, did not, and could not, have anything to do with the question whether those prosecutions should be undertaken. They were instituted exclusively upon the responsibility of the Attorney General for Ireland—a responsibility committed to him by Act of Parliament—and the Attorney General according to that statutory responsibility exercised a quasi-judicial office, and was bound by considerations independent of and quite irrespective of the political views and intentions of Her Majesty's Government. That was the ground assumed by his right hon. and learned Friend, now Baron Dowse, when he advised that those prosecutions be commenced. But he (Mr. Gladstone) was bound to remind the House that his right hon .and learned Friend was supported by the advice of the other Law Officers of the Crown, and that he acted with the entire approval of the Government.

CENTRAL ASIA — AFGHANISTAN (NORTHERN) BOUNDARY—MR. FORSYTH'S MISSION.—QUESTION.

MR. OSBORNE asked, Whether the Government would lay on the Table Copies of all Correspondence with the late Viceroy of India, relating to the Northern Boundary of Afghanistan in connection with Mr. Forsyth's mission to St. Petersburg?

MR. GRANT DUFF: In reply to my hon. Friend I have to say that the correspondence to which he alludes could not be given without inconvenience to public interests, which my hon. Friend is, I am sure, the last person to wish.

RAILWAY AND CANAL TRAFFIC BILL.

(*Mr. Chichester Fortescue, Mr. Childers, Mr. Arthur Peel.*)

[BILL 34.] SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Chichester Fortescue.*)

MR. HUNT said, he did not rise to object to the second reading of the Bill, but to make a few remarks upon its main feature. The right hon. Gentleman the President of the Board of Trade, in the able speech he made on introducing this Bill, said this was not the first time Parliament had been asked to transfer its jurisdiction to a tribunal. This was no doubt so; but eminent Members of the Legislature had expressed themselves adversely to it. Lord Campbell had, upon a similar proposal being made in the House of Lords, expressed the opinion that the duties it was proposed to lay upon the tribunal were such as the Judges, himself included, felt themselves incompetent to discharge. Lord Campbell, as a lawyer, objected to a Court of Law as the tribunal for the decision of questions which might arise under the Act; but if that noble and learned Lord had been a layman he would probably have objected to a lay tribunal. And what, after all, was a lawyer but a layman with a knowledge of law? His right hon. Friend, in introducing the Bill, said that the failure was owing to the nature of the tribunal. Now, he ventured to think that it was not the nature of the tribunal but of the subject-matter which caused the failure; and though in the Bill the tribunal was changed, the subject-matter remained the same. Under the Act which it was intended to amend, a discretionary power was given to the Court of Common Pleas, not only to administer the law but to lay down a code of regulations, and in fact to say what the law was to be. The Common Pleas, however, proved unequal to the task; and now it was proposed that a tribunal should be created composed of three gentlemen—one of them a lawyer—the very class of men condemned by Lord Campbell—another, a man possessed of practical experience in railway matters; and, as to the third, it was not stated what he was to be. He admitted that if the companies were willing to go before this tribunal for arbitration, it might be able to discharge its duties in a manner satisfactory to the companies and to the public. But it appeared to him that in order to have arbitrators to decide between the conflicting claims of companies it was not necessary to pay them out of the public money. If two companies were anxious to have arbitrators, they could select them themselves and pay them without coming to the public. The principal functions delegated to this tribunal were to decide questions as to through rates and as to proper facilities given to the public. In his opinion, the tribunal would have the same difficulty in deciding what were "proper facilities" as the Court of Common Pleas had experienced. The tribunal would have to decide what were the duties of those who managed those great commercial undertakings—the railways. Their only duty, subject to the conditions imposed upon them by law with regard to the public, was to earn the highest dividend they could for their shareholders. But this tribunal might say—"Your regulations may be well calculated to produce the highest possible dividend for your shareholders, but they are not well adapted for giving the greatest possible facilities to the public; and as the interests of the company and the interests of the public do not coincide, we shall force you to sacrifice the interests of the shareholders to those of the public." He wanted to know what body of directors would be able to carry on their duties if their action was to be overborne by the interference of this tribunal? What, if the effect of such interference was to subtract a certain amount of dividend from the shareholders of Company A and to put it into the pockets of the shareholders of Company B? It might lessen the dividends of both companies, while operating to the advantage of the public. He prophesied that the tribunal would shrink from any such functions. Where the interests of the public and of the companies were the same, they wanted no tribunals; where there was a wide divergence between them, the tribunal would not venture to interfere, because the outcry of those immediately affected would be so great that the powers of the Commissioners would soon come to an end. It might be asked, if such was his opinion why not move the rejection of the Bill on the second reading? The reason was because he was one of a small minority in the Joint Committee—a minority of 2 on vital points. He was supported, however, by a Gentleman on whom the House placed the greatest reliance—his right hon. Friend the Member for Shoreham (Mr. S. Cave), whose absence to-night in consequence of ill-health they all regretted. His right hon. Friend was not only a man of calm judgment, but he had official experience in the Department over which the right hon. Gentleman opposite presided. But then they had not only numbers against them, but also the weight of official experience and men who were generally looked up to for guiding the country in its public affairs. In the teeth of this preponderance of authority he was not prepared to offer opposition to the Bill on the second reading. He was not sanguine as to the result, but let the experiment be tried. Let the Bill pass into law with such modifications as might be introduced in this and the other House of Parliament. He was anxious to give every opportunity for trying the experiment; but he was bound to say that, in his opinion, this was the last experiment that would be tried in the matter. They had before the experiment of a Court of Law, and now they were going to have the experiment of a special tribunal. He was not prepared to say that the tribunal would be of no use; but he believed that for the main purpose it would be inoperative. Another still greater question had been suggested—namely, whether in the progress of combination the companies in course of time might not become so great and so powerful as to render it expedient on political, not commercial, grounds, to change the relations between the railways and the State. Now, the purchase of railways by the State was most strongly urged by Captain Tyler, who put it in a very terse way. That gentleman said—"If the State does not manage the railways, the railways will soon manage the State." The difficulties of a State purchase were, no doubt, very formidable, politically and financially, and he quite assented to the course which the Joint Committee took in passing it over at the time. But he held that the consideration of the question could not be very much longer deferred. Day by day public opinion was growing more and more in favour of the purchase; and in his opinion the only way in which the public could be fairly, properly, and advantageously dealt with was by the State taking over the administration of the railways. He was not prepared to say when that would be done—whether it would be done in his lifetime or not—but that it would be done he had no doubt, and he held it to be the duty of public men even now to consider the mode in which it might be best brought about.

MR. PEASE agreed with many of the criticisms of the right hon. Gentleman. The Order of Reference confined the Committee strictly to the question of amalgamation, and even to the Amalgamation Bills brought before the House that Session; but the Committee seemed to have strained the matter and to have gone very much beyond their Order. A great deal of the evidence before the Committee was given by men of great experience in railway and canal management. The Report was drafted on the evidence adduced, and they came to the conclusion that it was impossible to lay down any general rules determining the limits or character of future amalgamations, and they went on to say with reference to the general position of railways as affecting the public interests, that the introduction of Bills for amalgamation afforded opportunities for imposing conditions on companies which were desirable in the public interest. This Bill dealt with existing railways rather than with the question of amalgamation. With regard to the appointment of the Commission, one of the Commissioners was to be a lawyer of great eminence, another was to be a man of experience in railways, and of the third they had no description at all. Such was the tribunal to which was confided a trust affecting the £600,000,000 of capital which Parliament had given the companies power to raise. The Commissioners were to be paid at the rate of £3,000 a-year each, a sum that would not secure the services of men required for the discharge of such important duties as they would have to perform; in fact, they would be paid salaries inferior to that received by many railway managers. They were to have the full discretion of deciding all matters of fact and law without any appeal whatever. Being himself engaged in trade he depended very much on the through rates on railways; but he very much doubted how far Parliament could sanction the powers which this Bill gave to revise every special Act and special toll, and to treat as waste paper, agreements between existing companies which had been sanctioned by Committees of both Houses, and by the House itself. He would not go into the details of the Bill, which could be dealt with in Committee; but the great fundamental principle of the measure—which proposed to transfer the whole railway power of the kingdom to three Commissioners — deserved the gravest consideration on the part of the House.

SIR HERBERT CROFT said, there were three points to which he desired to direct particular attention. The first was that, it appeared to him, the Board of Trade had no power to enforce the Reports of their own Inspectors. The city of Hereford, with a population of 18,000 inhabitants, was cursed with three railway stations, and from a Return he obtained two years ago he found that the duties of the Government Inspectors were to investigate complaints of corporations or individuals with reference to level crossings and stations that were dangerous to the public. The Herefordshire Quarter Sessions presented a petition to the Board of Trade, requesting that an Inspector should be sent down to inspect the stations, two of which were considered dangerous. Some time afterwards they received a very lengthy and exhaustive Report from the Inspector, which began by stating that the magistrates of the county had substantially made out their case, that two of the three stations were positively dangerous, and that the railway companies ought to make one good station for their whole passenger traffic. But what was the conclusion? It was this—if the railway companies did not take that step, he recommended the magistrates to present a humble Petition to Parliament. A most lame and impotent conclusion. He, therefore, hoped these Commissioners would have power to act on the Report of the Inspectors if railway companies did not do so within a reasonable time. The second point was clearly matter for a rule of the Board of Trade. A year and a half ago he had asked the President of the Board of Trade whether he was aware that on the Great Western and other lines the practice prevailed of running trains during the day time through long tunnels without lights in passengers' carriages. The answer he received was there was no law to compel the companies to light the carriages. Hereford was an inland county, and practically, owing to the squabbles of railway companies, shut off from the sea; and Malvern was consequently their sanatorium, as although Hereford was close to the coast, it took seven hours to go there. In order to get to Malvern they had to go through two fearfully long tunnels, and the whole Midland traffic had been put recently on the line, which was overworked and positively dangerous. He had letters from all parts of the country on the subject. One of these came from an eminent member of a publishing firm, who was in the habit of travelling by the line once a month, and who said that he had never gone through the Box Tunnel by a second-class carriage with a light. He had been told that ladies suffered greatly from nervousness in consequence of there being no lights in the carriages when the trains passed through the tunnel in the day time, and they had resort to all kinds of absurd precautions to protect themselves. He was informed by a middle-aged clergyman that on one occasion when he was travelling, his companions being two elderly females, one of them said to him—"I believe we are coming to a tunnel." He replied, "You are." Just as the train entered the tunnel he heard a match struck, and immediately one flashed a bull's-eye lantern in his face, and the other brandished a knife over his head. In reply to his expression of astonishment, they said they found it necessary to take these precautions. "Although," they added, "you probably are what you look, an inoffensive clergyman and gentleman, yet there are so many wolves in sheep's clothing now about, that we do not know whose appearance we can trust." It was not always that excursion trains were lighted even at night. On one occasion a number of Odd Fellows had gone from Hereford to Aberystwith, and on their return they had been huddled, men, women, and children together, in third-class carriages from 7 p.m. till 3 next morning without lights. He thought that a most disgraceful state of things. The third point was this. There had been a railway accident at Hereford in August last, owing to some neglect of a signalman, who was overworked. He was present at the inquest. The man was committed for trial. There were many railway officials present to give evidence, and on the following Monday the Assizes took place at Hereford, and he had the honour, as foreman of the Grand Jury, of again examining all these railway officials; but where was the Government Railway Inspector? He went down six weeks after to hold his inquiry, when the man, who was acquitted, had been released, and all the witnesses were dispersed over the country. He thought it most important that the Government Railway Inspector should be present at every inquest. He thanked the House for listening to the observations which a strong sense of the duty he owed to his constituents had induced him to make.

Mr. WALTER said, he was by no means insensible to the difficulties which had been so well pointed out by his right hon. Friend opposite (Mr. Hunt) as likely to arise in the working of that Bill if it became law. At the same time, he wished to draw attention to a particular class of grievances for which he thought it was high time that some remedy should be found. The hon. Baronet who had preceded him had alluded to one or two grievances; but he now desired to refer to one of a more serious character, because it seemed to involve something like a direct breach of faith with the public on the part of an important and powerful railway company; and he represented on that occasion not the railway interest but the public at large. The case, he believed, was one of the most flagrant which could be found throughout the length and breadth of the country. In the year 1846 an Act of Parliament was passed authorizing the formation of a company called the Reading and Reigate Railway Company. He held the Act in his hand. The company was to construct a railway from Reigate to Reading, with power and also an obligation to make a branch line to connect that railway with the South-Western line at the Farnborough Station. And so strongly did the Legislature of that day wish to express its sense of the necessity of proper correspondence between those lines that, in the words of the Act, it declared that no other portion of the same railway should be opened for public traffic until that portion between Reading and the Farnborough Station of the London and South-Western Railway should first be completed and opened for public traffic as aforesaid. It would, he thought, be difficult to find language to express more clearly the intention of the Legislature in passing that Act. Three years afterwards a supplementary Act was passed giving further powers to the company, and not only taking it for granted that the said junction would be made, but containing a clause prescribing what kind of tolls should be levied on that branch. The House would hardly believe it when he stated that although that line was made at the time to which he had referred, in 1849 or thereabouts, it had never been used, he believed, but upon one occasion, and that, he thought, was when Her Majesty once passed along it. The consequence was that in the part of the country to which he alluded, which included Blackwater, Wellington College, Sandhurst, and that portion of Berkshire, passengers who were desirous of proceeding from either of those stations, from Wellington College or from Blackwater to London, were obliged to travel by the South-Eastern Railway to Farnborough, and then instead of being allowed, as the Act intended, to join the South-Western line and get up to London by the quickest route, they were taken on to Reigate and brought by a circuitous route to London. He had the pleasure of occasionally travelling by that line. Being one of the Governors of Wellington College he paid an annual visit to that institution, and he went there by the South-Eastern Railway. It was a charming and a heap croute, extending over 60 miles — the proper distance being 40 miles. That was an instance of that want of due correspondence and harmonious action between rival railway companies which the Committee of last year strongly commented upon, and declared to be an increasing evil—an evil which demanded the interference of Parliament, and which he took it for granted it was one of the principal objects of the present Bill to remedy. He was not sure that without the light thrown on the Bill by the very lucid speech of the right hon. Gentleman the President of the Board of Trade he should have been able to discover in its provisions adequate power to redress that grievance. He would assume, however, that the right hon. Gentleman knew the meaning of the language of his own Bill better than he did, and that it would be found sufficient to deal with the case he had just described. He gave his hearty support to the second reading, and believed that the House would desire to provide an adequate remedy for the evils against which such a measure should be directed.

MR. G. BENTINCK said, his objection to the Bill was that it was only a feeble step in the right direction, because it did not deal with numerous complicated grievances which the public had established against railway companies. The only Department of the Government which took any cognizance of the proceedings of the railway companies was the Board of Trade. Without attacking any particular Board of Trade, their conduct with reference to railways had been always very much the same; and it was probably owing to the want of adequate powers for dealing effectually with the subject. The Board of Trade had a certain amount of jurisdiction over railways; but it could not now remedy obvious and glaring grievances. This Bill would establish another feeble and inadequate tribunal, and the consequence would be that, instead of having one tribunal not possessing the required powers for dealing with the subject, they would have two tribunals equally powerless, which would be likely to impair rather than improve the present state of things. The right hon. Gentleman the Member for North Northamptonshire (Mr. Hunt) had truly said that the interests of the public and that of railway companies were at variance, and it was because it was so that it was of the utmost importance there should be but one tribunal, with sufficient powers to deal with the whole railway question. The power of the Railway Inspectors appointed by the Board of Trade amounted to nothing. They could report on the *lâches* or the misconduct of the companies; but they had no power to inflict punishment or to prescribe a remedy which would prevent the recurrence of such misconduct. At present the public were at the mercy of the companies; and Parliament should provide some controlling power which could step in and afford real protection to the interests of the public. The question referred to by the hon. Member for

Berkshire (Mr. Walter) was a question of personal convenience; and the matter referred to by the hon. Member for Herefordshire (Sir Herbert Croft) was one of the miscarriage of justice and of the tardiness of officials in investigating the causes of accidents. But there was a much wider question in connection with that subject which would come before the House in a few days; and he could only express his regret that the President of the Board of Trade had not sought much larger powers for that Department and for the new Commission in dealing with the companies. Hundreds of people had been killed in railway accidents which might easily have been averted. These remarks were probably not agreeable to many whom he was addressing, because there were a great number of hon. Gentlemen in that House who were connected with railways. It was but fair that both sides should be heard. He contended that many fatal accidents might be prevented by the commonest precautions. That was the opinion of the railway authorities who gave evidence before the Committee on Railway Accidents, of which he was Chairman. The fact was, the railway companies were allowed to compete with one another and to travel at a rate of speed which made punctuality impossible; and it was well known that want of punctuality was one of the chief causes of accidents. It was high time, therefore, to put a stop to the reckless proceedings by which, under the present system of railway management, the lives and limbs of the travelling public were endangered and sacrificed, and he should like to see the Government take the necessary powers to secure that object. He was informed that the greater number of hon. Members who were connected with the management of railways were strongly opposed to the Bill. If that was so, it was a measure in the right direction.

Mr. STANHOPE said, great interest was taken in this question by his constituents in the West Riding of Yorkshire, and on their behalf he thanked the Government for having so promptly acted on the recommendations of the Committee by introducing the Bill. Almost every town in the Riding was affected by the amalgamation between the Lancashire and Yorkshire Railway and the London and North-Western; and, if this amalgamation took place, others were likely to follow. There were three principal routes communicating between the East and West Coast, through the hills which form part of the backbone of England. One of these was the Leeds and Liverpool Canal, the other the Rochdale Canal, and the third the Huddersfield and Ashton Canal, and all of them, by means of leases or arrangements with these and other railway companies, were now practically closed to the public, so far as through traffic was concerned. Owing to the depreciation of the property, many canals had not even been kept in repair, and of the few on which capital was expended, it rarely happened that plant for carrying purposes had been provided by the companies analogous to the rolling stock of railways. Conveyance of goods by canal was attended with some advantages which could not be afforded by railway traffic. An owner of goods could have them removed in his own boat from his own wharf to any given point on the canal, and without interrupting the general through traffic. These matters were of considerable importance to the mercantile community of Yorkshire. They were of opinion that if these canals were emancipated from railroad control they would form a very useful adjunct in facilitating traffic, especially at times when railroads happened to be blocked up, and they were anxious that the main provisions of the Bill should receive the assent of Parliament. He hoped, under these circumstances, that the Government would stand firm to the proposals which they had made, and that they would not allow the measure to be impaired in any material particular.

Mr. DODSON said, he could not agree with the hon. Member for West Norfolk (Mr. G. Bentinck) that the measure now before the House should be of a more stringent character in the direction of superseding companies in the control of their own railways, for he thought it was essential that those companies should feel the responsibility of working their lines in the way they considered best for the security of the public and for their own advantage. But what this Bill proposed was not to introduce any new principles, but to devise machinery for carrying out the intentions of the Railway and Canal

Traffic Act of 1854. That was substantially the view of the Select Committee, and the view embodied in the Bill, which provided for enforcing those facilities and the equal treatment aimed at by the Traffic Act of 1854. That Act, though laying down sound principles, was deficient in proper machinery for ensuring that they were acted upon. The tribunal to be appointed under this Bill was not one which would take into its hands the control or administration of the railways; it would have no initiatory power whatever, but would simply discharge the function of a tribunal to which application might be made to give effect to the principles of the Traffic Act—a tribunal which was to take the place of the Court of Common Pleas in that respect. Again, the Bill, following the Report of the Joint Committee of last year, provided that the tribunal should discharge the functions of arbitrator, under the special Acts relating to railway companies, and in other cases where such companies had recourse to arbitration. Further, a limited power was transferred to it, which the Board of Trade now possessed under an Act of 1840, of deciding disputes as to the use to be made of a junction or station belonging to two companies in common. The Bill was not of a revolutionary character at all, but was intended simply to give effect to former Acts. He agreed with the right hon. Gentleman opposite (Mr. Hunt) that this measure must be looked upon as an experiment. Whether the tribunal it proposed to establish would answer its purposes was a matter that experience alone could demonstrate. It might succeed, or not; it might have a great deal too much to do, or very little; but, considering the state of feeling which existed in regard to the growing monopoly of railway companies, it was expedient that some attempt should be made to satisfy the public that there was a ready means of arbitration, and of requiring those companies to carry out the principles of the Traffic Act without recourse to the slow and costly machinery of a purely legal tribunal. The experiment was worth making, the Bill treated it as an experiment; and there was a disposition, he believed, on the part of the House to give it a fair trial. His right hon. Friend (Mr. Hunt) looked forward to the purchase of the railways by the State as the final crisis to which we should come. Well, he wished his right hon. Friend a very long life; but he hoped however his life might be prolonged that he would not live to see that day. He had heard most opposite opinions expressed as to what the effect of the possession of the railways by the State would be. There were at present an army of about 200,000 men in the employment of the various railway companies, and that fact would throw immense patronage into the hands of the Government. It would rest with the Government to say what facilities for traffic should be given, and what rates should be adopted for the different trades and towns and ports of the kingdom, and it was obvious that that would place in the hands of any Government enormous powers—powers so enormous that it had been said no Government possessed of them could be turned out of office. If they had an Administration so pure as to be perfectly incapable of jobbery, even on the eve of a General Election, still people would be found not to believe in that purity. For his part, he was inclined to think that so enormous would be the patronage of the Ministry, and so great their power of favouring particular localities and interests, that they would be exposed to so much suspicion and odium as to render the fulfilment of their functions almost impossible. He was strongly disposed, therefore, to think that the possession of the railways by the State would endanger the cause of good government and the stability of all government. With respect to canals, while he was in favour of their being free from the control of the railway companies, he could not but see that they could not compete successfully with the railways, except for some special purposes, and under special circumstances. He agreed with the principles of the Bill, and hoped the House would consent to try the experiment which it proposed.

MR. MILLER said, he was convinced if this tribunal were to be merely experimental it would fail. What amount lawyers might ask for their services he did not know; but if it was intended to have a railway manager and an engineer on the Commission, undoubtedly they would not get men of that kind in which the public would have confidence for the amount of money prescribed by the Bill. Unless men of larger calibre could be put on the tribunal, the public would have no confidence in them. Rather than see a Commission set up merely to be experimented upon, he would like to see one established in a position far more likely to command success than the proposed tribunal.

MR. DELAHUNTY observed that the existing tribunal for carrying out the Act of 1854 was expensive and defective, and it was therefore desirable to create another which could speedily and cheaply determine questions arising between the public and the railway companies and between one company and another. In the locality he represented (Waterford) attempts had been made to divert the traffic from its natural direction. He had known cases where two railways joined, where the cattle and goods traffic had been taken out of the waggons of the one railway for the purpose of being transferred to the waggons of the other. The Judges in the Court of Common Pleas were, no doubt, very good lawyers, but few of them understood much about business matters; and if a tribunal were appointed consisting of men conversant with railway and canal traffic, it would, he believed, be greatly to the advantage of the shareholders of the different companies, for it was the shareholders who suffered when the managers and directors of different companies were allowed to fight with one another.

MR. GOLDSMID desired to protest against the theory of the right hon. Gentleman opposite (Mr. Hunt) with regard to the purchase by the State of all the railways. At present, the Government found the greatest difficulty in dealing with the question of dockyard wages, and if the Government had a body of men about 200,000 in number to control, the House would be deluged with complaints on the score of wages, salaries, patronage, branch lines, and reduction of fares.

MR. CHICHESTER FORTESCUE said, he was grateful for the reception which had been given to the Bill, not only by those who had approved but by those who had criticised its provisions. His right hon. Friend opposite (Mr. Hunt) possessed in the greatest perfection the art of throwing cold water on a sanguine project; but he (Mr. Fortescue) did not think that the purpose of this Bill—namely, the creation of a special tribunal for dealing especially with questions arising out of railway and canal traffic—could be described as sanguine in any unfavourable sense. He believed that the great lawyer who had predicted the failure of the Court of Common Pleas as a tribunal in these cases had been perfectly right. He did not agree with his right hon. Friend that a Judge was nothing but a layman *plus* a knowledge of the law, and was of opinion that this tribunal would be superior for this particular purpose to the Court of Common Pleas. That Court was not well suited for the administration of the laws of railway and canal traffic, nor did he think the habits of the legal mind were best fitted to decide questions which were not questions of strict law, but of discretion, of administration, and of special knowledge directed to a special subject. He did not think that these questions should be submitted to a purely legal tribunal, although the presence of an eminent lawyer upon it would be of the greatest advantage. They were all aware of the difficulties and fears which surrounded an entrance into a court of law, and thus parties had been prevented from making use of rights which had been conferred upon them by the Canal Act of 1854. This tribunal would, he believed, in spite of the criticisms of his right hon. Friend, be well adapted for the duties which it had to perform, and would decide the questions which came before it promptly, efficiently, and cheaply. Reference had been made to the question of railway accidents. This Bill did not profess to deal with that subject, which was one of great difficulty, and which was now being investigated by an able Committee in another House, with the view of considering whether there could be any further legislation for the prevention of railway accidents

Motion *agreed to*.

Bill read a second time, and *committed* for *Thursday* next.

SUPPLY—ARMY ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

Motion made, and Question proposed,

"That a number of Land Forces, not exceeding 128,968, be maintained for the service of the United Kingdom of Great Britain and Ireland,

and for Depôts for the training of Recruits for service at Home and Abroad, including Her Majesty's Indian Possessions, from the 1st day of April 1873 to the 31st day of March 1874, inclusive."

LORD ELCHO said, he had no intention of entering into the Army Estimates, but he wished to call the attention of the Chancellor of the Exchequer to the position in which the Committee was placed with regard to these Estimates. The Chancellor of the Exchequer had persuaded the House to agree to a Resolution that on Monday no Notices could be made on the Motion to go into Committee of Supply, in order that hon. Members might know with certainty when the Estimates were coming on, and those who took an interest in the questions likely to come on would be able to be in their places. They had an example that night of the beautiful way in which the Government were working the new Rule. Supply, instead of being put down as the first Order of the Day, when there would have been some certainty as to when the Army Estimates would come on, was placed after the Railway and Canal Bill. There was a powerful railway interest in the House, and the belief was that the debate on the Bill might occupy a considerable time. Let them look at the state of the front Opposition Bench. It did not possess even one inhabitant, and he knew that his right hon. Friend the Member for Droitwich (Sir John Pakington) was not coming down till between 8 and 9 o'clock. Even those Gentlemen on the other side of the House who had got Motions on the Paper for the reduction of the Vote were not in their place to propose them.

MR. DODSON said, that the noble Lord in his observation had quite forgotten one little circumstance, and that was that the Resolution with regard to Supply applied to Monday, and that this was Thursday.

LORD EUSTACE CECIL said, it was within his knowledge that his right hon. Friend the Member for Droitwich could not return to-night until half-past 9 or 10 o'clock. It was desirable that Gentlemen who took an interest in these Estimates and had served high offices, as his right hon. Friend had done, should be present at these discussions. There was however hardly any Gentleman now in the House who took an interest in Army matters, and it would be desirable that the Votes should be deferred until they could be present. A discussion in the present state of the House was certain to be desultory, and was not all likely to be profitable.

LORD ELCHO said, he knew quite well that the Resolution lately adopted applied only to Monday. His point was that hon. Members had been induced to give up their right to make Motions on going into Supply, on the ground that there would be certainty when the Estimates would come on, and that that night there was no certainty on the subject.

THE CHANCELLOR OF THE EXCHEQUER said, that the noble Lord was mistaken in saying that the House had given up its right to make Motions generally on Supply. It had given up its right for one day of the week only, and had retained it for the others. That was one of the nights on which the House retained its right.

COLONEL CORBETT said, he wished to put a question with reference to the Shropshire Militia. There were two regiments given in the Return which had just been issued; but, as far as he knew, only one was in existence. He should like to know whether the population of the county had so far increased as to warrant two regiments being allocated to it? In the case of necessity the Militia would be balloted for, and he did not think that Shropshire should be required to raise more than its quota.

MR. CARDWELL said, that the population of the district was stated in the Schedule, and the Appendix to the Army Estimates showed the brigade organization in the state it would assume when it was finally completed.

COLONEL GILPIN said, that although he might not agree with all the proposed arrangements of the Secretary of State for War, he was anxious to give him credit for having at heart the interests and honour of the service, with due consideration for the interests of the taxpayer. Confining himself to the service to which he belonged, he wished to call the right hon. Gentleman's attention to two recommendations—one made by the Royal Commission, and the other by the Select Committee of last Session, of which he had been a Member. The first recommended that a longer time should be allowed for the drill of recruits. That had been adopted by the Government, and, as it appeared, with excellent advantage. Soldiering could not be learned by instinct, but by practice and experience. The greater opportunity there was for drill, the better would be the discipline of the regiment. The other recommendation, that the Militia should be enlisted for six years instead of five, was best for the Militia and economical for the country. The right hon. Gentleman the Secretary of State for War told the Committee on Monday how many Militia officers had gone to school to the Regular Army for instruction, the result being to give confidence to themselves and to inspire it in others. In 1871, when the right hon. Gentleman unfolded his great scheme of Army reorganization, he found that the ranks of the Militia officers were in an attenuated condition, and that they were discouraged by the want of prospective advantages. The right hon. Gentleman, in order to induce officers to join the Militia, promised that Militia officers who availed themselves of the advantages to be afforded them, and who gave satisfactory proofs of efficiency, should receive commissions without purchase in the Line. A large number of officers flocked accordingly to the Militia standards, and went to considerable expense and trouble in fitting themselves out, and had attended the Schools of Instruction. What was their dismay, however, when they found that they were not likely to obtain their commissions because an educational examination was likely to be added to that in military instruction. It appeared to him to be rather hard on those officers that they should now be called upon to fulfil a condition of which they did not know when they joined the Militia. Something was wanted more than cramming for examination in order to make a good officer. He was told that the object of this examination was to show whether these officers had the education of gentlemen; but so long as they were recommended by the Lord Lieutenant of the county and the colonel of the regiment, they would take care to inquire into their antecedents, and to see that they had received the education of gentlemen. They would not give the right hon. Gentleman officers of the Tribe school, or like that celebrated foreman of a jury, of whom they had heard that night, who could neither read nor write. Rules for the guidance and emoluments of the service should be carefully considered, and when once adopted they should be faithfully adhered to. The right hon. Gentleman the Secretary of State for War had done many things for the Militia, which was under considerable obligations to him, and it was to be hoped he would not now deprive the officers of what they thought was not only a benefit to the service, but a matter of justice to themselves.

Mr. CARDWELL said, the examination provided by the regulations issued more than a year ago was not a competitive but a qualifying examination, and was so simple that no one who had received the education of a gentleman could fail to pass it. Therefore, no hardship whatever was inflicted. So careful, indeed, had he been of the interests of those who might be induced to enter the Militia in consequence of what he said, that the age for entering the Army was extended a year lest anyone should be shut out. As he stated on Monday, every regiment of six companies was to have a commission.

Colonel GILPIN said, he did not know the extent of the examination. All he knew was that it was not mentioned in the first instance.

Mr. CARDWELL said, it was instituted when the general arrangements were made more than a year ago.

Lord EUSTACE CECIL said, he would only trouble the House for a few minutes, considering the state of the benches before and around him. It seemed to him that the statement made the other day by the right hon. Gentleman aimed rather at economy than efficiency. He could not understand, if the short-service Reserves were not to come into play earlier than 1876, how it was that we were to reduce the number of men this year by 8,000. If the nation required 8,000 men more last year than we required in the present year, the rational mode of proceeding was that we should not reduce the number of men till we had a sufficient number of Reserves, which he supposed we could not have till 1876. He thought the number of deserters had been a little exaggerated. It had been stated that 23,000 men would be necessary to keep up our establishment, and then the right hon. Gentleman went on to say that in 1872 there had been a falling-off of recruits to the number of 4,006 men. He would like to hear the matter placed more lucidly before the Committee. He did not think that the halfpenny a-day which was to be presented to the soldier, by the gift of a free ration, would be a sufficient inducement to recruits to join. It might be a penny a-day or a penny farthing; but that could never be a sufficient inducement for the sort of men which it was desirable to see in the Army to join the ranks. Almost equally important was the dearth of horses. He would have been glad if his right hon. Friend had given some idea of the expense of horses, and how he would make out the dearth of horses for the Cavalry and Artillery. He drew attention to the subject on the last occasion of the Army Estimates being discussed; still the deficiency was as large as ever, and he doubted whether an Army could ever be efficient without a good supply of those very necessary beasts of burden. In Prussia on the peace establishment of 1872 there were 312,868 men and 75,000 horses. This would give one horse to every four men, whilst in England to 462,000 men there were 15,120 horses, or one horse to 30 men. Besides which, he was told on good authority that the Prussians had a most efficient body of Reserves and reserve horses, which at any moment could be called into the field. But the fact remained the same, that the Prussians had one horse to every four men, and we had one horse to every 30 men. Then, as to guns, England had something like 180 guns. According to the German statistics there were three guns to 1,000 men, and therefore we ought to have 1,380 guns.

MR. CARDWELL: The number of guns we used to have was 180; but during the last few years they have been raised to 336, besides those at the depôt.

LORD EUSTACE CECIL maintained that that was not a sufficient number. If we followed German authorities upon this matter our guns ought to be 1,300 or 1,400 in number, instead of 336, which was totally inadequate. Then, as to the purchase system as applicable to officers who remained in the Army. The hon. and gallant Member for Bewdley (Colonel Anson), who had formerly advocated their case so ably and successfully, was unfortunately confined to his room by sickness. It was not his intention to go into all the intricacies of the question which was thoroughly discussed in 1871, but he would remark that his right hon. Friend had stated on one occasion that no officer would be placed in a worse position than he occupied before.

MR. CARDWELL: In respect of the commission which he then held.

LORD EUSTACE CECIL went on to say that, rightly or wrongly, officers who had purchased their commissions supposed that in purchasing their first commission they had also obtained all the privileges which a commission would have given them under the former system, including the privilege of rapid promotion. They also supposed that after 20 years' service they would have the right, whatever position they might hold, of selling out and receiving the full value of their commissions. That, however, was not the case. In many instances great hardship had been inflicted. They never entered the service with the idea that they would be subject to the loss which unfortunately their families had to endure in consequence of their altered position, and they looked to some form of compensation being granted to them, in consequence of the very different position in which they found themselves. It ought to be remembered that officers were really in the hands, he would not say of an irresponsible Commission, but of a Commission which acted almost in the dark. Nobody knew in what way the money was apportioned when a commission was sold. Every one expected to get what he had paid for his commissions. But it often happened that an officer received much less than he had a right to expect, and then he naturally felt that in his case there had been a breach of contract. It would be well if the Secretary for War could say something on this head to comfort a very large body of officers in the service. He did not say that the officers should receive all they asked for, but they expected a little more to be done for them than had been done, and they would be satisfied if a Committee or a Commission were appointed to inquire into their claims. Unless something were done, these grievances would go on for 10 or 20 years, just as those of Indian officers had done. There was a wide-spread feeling of dissatisfaction; but no one wished officers to feel that they had been unfairly dealt with. There was one thing which he was glad to hear from his right hon. Friend, and that was, that he would facilitate the exchange of officers between India and home. This would be a very great boon if properly and fairly carried out. If an officer in India, or in the tropics, experienced no difficulty in getting home by application to the proper authorities, a great hardship would be removed. The change with regard to rations was a step in the right direction, and he sincerely hoped that when his right hon. Friend spoke of rations he included the evening meal.

MR. CARDWELL: I stated distinctly at the time that it was 4½*d.*, and everybody knows that is a bread and meat ration. There could be no possibility of misunderstanding.

LORD EUSTACE CECIL was quite aware the right hon. Gentleman did state the exact amount, but still he hoped it was possible there might be some mistake about it, and that something more was intended than was actually expressed. Feelings of disappointment had been expressed that a little more than bread and meat was not included, and he would ask whether the ration could not be raised from ¾lb. to 1lb. of meat? He was told that that was what the soldier usually got in the field, and he was quite certain it would be a good thing for recruits of 17 or 18, who were growing youths, if they could have rather more meat than they now had. A quarter of a pound of meat more a-day was a very small boon to ask for, and it would be gladly received by the privates in the British Army. It was a pity that some arrangement was not made by which a portion of the pay of the soldier could be saved for him until he had completed his six years' term of service, when the possession of a small sum of money would enable him to engage in some trade, which would be far better than that he should spend the money, as he too often did, in the canteen. While the statement of the right hon. Gentleman did not go as far as could be wished in some respects, in others it had commanded the approval of those who took a warm interest in the Army.

MR. A. BROWN said, that the system of purchasing horses was one which involved expenditure which did not produce any proper return. Colonels of cavalry regiments who were allowed to purchase horses often competed with each other in the same market, and thus raised the cost to the public; and the same remark applied to the Artillery, the Army Service Corps, and the Autumn Manœuvres. The prices paid confirmed this view as to the actual competition. The prices paid for horses for the Cavalry, which ranged from £35 to £42 were higher than those paid by any large civil establishment. The head of the Ordnance department paid £42 per head for horses for the Autumn Manœuvres. From a letter, dated 21st February, which was published in *The Times*, it appears that the highest price of horses purchased by the General Omnibus Company was £32 17*s.* 6*d.*, while the average for regimental purposes was £42, showing a difference of nearly £10. The War Office having by circular recommended Volunteer colonels not to take immediate steps for equipping recruits, because a change of uniform was under consideration, he should be glad if the right hon. Gentleman would state when the decision on that subject was likely to be announced. The falling-off in the numbers of the Volunteers was due to two or three causes, and one of them was the want of a good and efficient staff of non-commissioned officers to drill the Volunteers. The fact was that officers in the Regulars did not send to the Volunteers non-commissioned officers who were worth much, but naturally retained the best for themselves. He hoped that the right hon. Gentleman would find some way of meeting the difficulty that had arisen through a number of Volunteer officers having been compelled to resign their commissions in consequence of their being unable to fulfil all the requirements now exacted from them. He also suggested that those non-commissioned officers who had obtained commissions in the Reserve and Auxiliary Forces, and who were in receipt of Chelsea pensions, should have them transferred from the Chelsea Pensioners' department to the War Office Department, where the pensions of commissioned officers were now paid, in order that they might be able to get their pensions commuted under the Commutation Act of 1869. In regard to the general policy of the Government, he regretted that the provisions to concentrate our troops chiefly at home had not been more completely carried out. The policy of the Government was shown by two despatches from Earl Granville to Sir P. E. Wodehouse, Governor at the Cape of Good Hope, dated December the 9th, 1869, and May 23rd, 1870. In the first despatch, Earl Granville wrote—

> "Meanwhile Her Majesty's Government have come to the conclusion that British troops cannot be retained in the colony for colonial purposes, and should be gradually withdrawn, with the probable exception of a single regiment, to be left in the colony for the present, with reference to the importance of Simon's Bay for Imperial purposes."

And in the second his Lordship said—

> "It is impossible for me to hold out any hopes that Her Majesty's Government will sanction any further delay in the removal of the troops beyond that which has been already determined upon, and I therefore earnestly hope that the Cape Parliament will address themselves seriously to the task of placing the finances on a proper footing, and making further provision for the defence of the colony."

At the present moment there were more than 2,000 men at the Cape, 1,800 in the Canadian Dominion, 10,000 more at the Mediterranean stations, and a considerable number in the West Indies—though the latter were, he believed, mostly coloured troops. He was convinced that it would be at once sound policy and true economy to reduce the number at many of these stations, and he trusted the right hon. Gentleman would be able to hold out some promise on the subject. Now that the Treaty of Washington had removed all fear of disagreement with America, he saw no use in our maintaining the large force we now had in the Canadian Dominion.

MR. CARDWELL remarked that the total force we had in Canada at the present time was 1,869 men, and they were not in Canada, as the term was usually understood. They were the garrison of Halifax.

MR. A. BROWN said, that Nova Scotia and Bermuda were included under the head of the Canadian Dominion in the Return he was quoting, and there were stationed there 3,938 men. They had in the Mediterranean, Gibraltar, and Malta nearly 10,000 men, and also a large force of men in the West Indies. By withdrawing men from these distant stations they might effect large reductions in the Army without impairing its efficiency.

MAJOR ARBUTHNOT regarded the speech of the right hon. Gentleman the Secretary of State for War, in introducing the Estimates, as a remarkable instance of the optimism which characterized all his utterances in connection with the Department over which he presided. During his tenure of office, the Army had always appeared to be more efficient on the day on which the Estimates were introduced than on any other day in the year. He then referred to some points connected with the Artillery. The Motion that he had brought forward in 1871 had been withdrawn, on the distinct promise given by the Government that an inquiry should take place. It was true that one had been held, and that the Report had appeared, but he could not say it was a very valuable production. The unsatisfactory character of the Report was principally owing to the fact that the Committee consisted of War Office and Horse Guards' officials who were too much occupied in their own business to be able to devote sufficient time to the proper conduct of such an inquiry, and whose position deterred officers from coming forward, and being so open in their evidence as they would be, had the Committee consisted of altogether independent and disinterested persons. The Artillery officers were grateful to the right hon. Gentleman for what he had done for them; but they had been led by him to expect more than they had received. It was true that, to remedy the stagnation in the corps the right hon. Gentleman had made the first captains in the Artillery and Engineers, majors; but it had been promised that they should have the same pay and position as the majors of the Line, whereas they only received 14*s.* 6*d.* a-day instead of 16*s.*, and no forage allowance, which placed them in a much worse position than majors in the Line. In fact, he knew of many cases in which the extra rank had proved an annoyance and a mortification rather than a benefit. He would not touch on the worst grievance of all—that in relation to majors in India—because he was sure that before long that matter would be brought before the House by some hon. Member interested in Indian military matters. The right hon. Gentleman promised the Artillery last year that he would make officers not doing duty supernumeraries. It was an excellent step, and had been partially carried out. A certain number of officers were placed on the supernumerary list, but then there came a sudden stop. He hoped that the plan would be carried out in its entirety as soon as possible. He wished to say a word in regard to desertions from the

Army. The Return he had moved for last Session on the subject was not yet ready, but the right hon. Gentleman admitted that the number of desertions was between 5,000 and 6,000. That, he feared, only was the number of deserters, not of desertions. There was a wide difference between the two; for he himself knew of cases in which men had deserted three or four times. He held in his hand the particulars of one case in which a man had been four times discharged with ignominy from the Army in the course of a year and a-half; and of another in which a lad had enlisted in three regiments in one month One great reason of these desertions was, no doubt, the facility with which they were effected now that marking had been abolished. But there were also other reasons. He believed that more men, in proportion, deserted from the Artillery and the Cavalry than from the Line, the reason being that in those branches of the service the stoppages for keeping up the kit were necessarily much heavier than in the Infantry, on account of the heavier work done by the men. Another reason was, that the duties that fell on the men of the Artillery and Cavalry were excessive, and a recruit, after two or three weeks' drill, found himself loaded with work which he did not understand, and which was more than he could get through in the time, and hence he caught a disgust for the service. As regarded the Artillery, the conclusion he arrived at was that either the establishment of men was too small, or the amount of material and the number of horses to be looked after was too large. One last word about the Autumn Manœuvres. They were certainly of use, especially as a means of popularising the Army with the country; but they were no test, in his opinion, of our power to put an army in the field, if a sudden emergency befel us. They were, in fact, a test of the capacity of the contractors rather than of the Control. Last year he had asked for a Commission to inquire into our Supply and Transport services, but he was denied it; yet he felt sure that he might well have gone further, and asked for an inquiry into the means we possess of putting a British Army into the field on short notice. The fact was, we really had no organization for that purpose at all—absolutely none. That was not merely his own opinion, but he had been told it by some of the very highest authorities in the country in such matters, and he believed that if the Government would look facts in the face, and appoint such a Commission, they would be acting in a patriotic manner, which would be appreciated by the country.

MR. HENRY SAMUELSON observed that it was not true that the promise given by the Secretary of State for War, on the consideration of the scheme for the reorganization of the Army, that commissions should be given to those subalterns in the Militia who showed capabilities for service in the Army, had not been fulfilled; and, as far as his experience went, the Militia officers were anything but discontented with their present position. He thought it was enough if one officer in each Militia regiment of six companies obtained a commission in the Regular Army, as was this year to be the case. During peace we did not want to make Militia regiments mere schools for the Regular Army, although, if in time of war we were ever short of officers, we should find plenty able and willing to volunteer their services to the great advantage of the country. But Militia colonels would be sorry to find that it was an uniform rule in peace that their best subalterns were annually drafted off into Regular regiments. If we were to have a Militia at all, it ought to be kept up in an efficient state. He should like to see Militiamen clothed as well as Regular soldiers, and he hoped that the distinctions in this respect between the different branches of our Forces might be removed. At the Autumn Manœuvres the threadbare uniforms of the Militia exposed the men to much obloquy, and they suffered great inconvenience from their packs, which were much heavier than those of the Line. One Militia regiment had to start on a march of 18 miles, without having previously partaken even of bread and a cup of tea, but they did their work well and willingly. He believed that from contact with the Regulars the Militia derived great advantage; they thereby became better acquainted with their work, and an *esprit de corps* grew up among them, which gave them a pride in obtaining the greatest possible pitch of efficiency, and put an end to the notion, still too prevalent amongst them, that their business was simply to screw as much as possible out of the country with the least possible trouble to themselves. The Militia was a very cheap force, and if properly treated would be found during war a valuable auxiliary to the Regular Army. He wished to know whether the right hon. Gentleman intended to link together Militia battalions in the same way as he linked battalions of the Line, and to make promotions go through the two regiments in the same manner?

COLONEL NORTH thanked the right hon. Gentleman for many changes he had made, especially with regard to the hospital stoppages, which, together with stoppages for barrack damages, produced great discontent in the service. As to desertion, he regretted that his right hon. Friend had not spoken more strongly with regard to what was now a positive disgrace to the service. He foretold it. There never was a greater farce than the abolition of branding, the result of which was that men now deserted with impunity. What inducement had they to remain in the service? In former days the soldier might look forward to a pension, but he had no such prospect now, unless he was a long-service man. Another great cause of desertion was the system of general service, by which a man was liable at any time within the first 15 months to be taken from the regiment in which he had made friends and to be sent elsewhere. No doubt it was a great advantage to have general-service men, but it was not a pleasant thing for such men to feel that they were liable to be taken elsewhere at any moment. The truth was, that in many such cases a man was inclined to desert. When a man enlisted for general service, and not for a particular regiment, the regiment to which he was first appointed should be considered his home, and he should not be liable to be moved from it without his own consent. Then as regarded the question of recruiting. From 1861 to 1871 the Army was dissolving itself. There were desertions of about 4,000 men a-year, and a Royal Commission sat upon the subject. In 1867 General Peel occupied the position of Secretary of State for War, and he had to face that difficulty, and also to meet the fact that there were 28,000 men who might claim their discharge in the following year. General Peel asked for an extra 2*d*. a-day, and what was the result? Why, that 26,000 out of the 28,000 determined to remain. They were men worth having, for they were in the prime of life, though they had been 10 years in the service. In 1868 his right hon. Friend (Mr. Cardwell) came down with the flag of retrenchment, and in 15 months 23,000 of these soldiers disappeared—[Mr. CARDWELL: No.]—206 non-commissioned officers, and 1,606 privates of the Royal Artillery were scattered to the winds. His right hon. Friend had had many discussions with him on this subject; but after deducting time-expired men, men unfit for service, men of bad character, and others, he could not bring down the numbers to less than 15,000 efficient men discharged. He had no hesitation in saying that, in recruiting one branch of the service—the Artillery—from the ranks of another the right hon. Gentleman had been following a precedent which had ended in the utter destruction of the French Army. The stipulation that the Volunteers should be of a high standard as regards stature and girth took from each regiment some of the finest men, to the great dissatisfaction of the officers. With respect to the numbers proposed for the Army of Reserve, the proposal seemed utterly inadequate for the necessities of the case. Would the number of men proposed be forthcoming, or would they not? Then, as to soldiers on furlough. He objected to a reduction in pay being made when a man was on furlough, for if there was a time when a soldier ought to have his full money it was when he was paying a visit to his friends in the country. It was understood last year, from the right hon. Gentleman, that the majors of Artillery were to be placed on a footing of equality with the majors in the Line, but this had not been done, since the former only received 14*s*. 6*d*. per day, while the latter had 16*s*. Moreover, the majors of Artillery in India had a special grievance, and many of them had been shamefully treated. Although he regretted the course which the right hon. Gentleman the Secretary of State for War had adopted on these and some other points, he quite admitted that, in many respects, his policy was entitled to great praise.

MR. MONTAGU CHAMBERS said, there were two or three matters which had excited very great public attention, on which he desired information. With regard to the recruiting for the Army, it had been stated that the recruiting had gone on very well at one time; then it appeared that young men were reluctant in coming forward to join the Army; but afterwards everyone was pleased to hear that a new military spirit had entered into the hearts of our youths, and that recruiting had become successful. In fact, the public were made to believe that as many men as were required were obtained for all branches of the military service. That was pleasant, but then came the unhappy sequel, and it must be mortifying to all to hear of the extraordinary number of desertions, which had attracted not only the attention of military men, but of those who were not concerned or connected with military affairs. He desired to be informed as to the number of desertions, because statements were made of the enormous proportion of the new recruits who deserted from time to time. He also asked for the exact number of actual deserters who had never been brought back to their regiments. He knew that statistics were very distasteful, and an assertion being made that there were 10,400 who had deserted, immediately a man full of figures got up and said—"You are totally wrong, there were only 10,399. It was truly observed that there was a great difference between desertions and deserters, because one man might enlist in three or four regiments and desert from each, and would therefore be reckoned as several desertions, although but one deserter. All that was very dangerous to the service. It was complained that the same exertions and the same stringent means were not now used for bringing back deserters as had been employed in former times, and he also wished information on that point. If that was so, there was danger lest the laxity should encourage others both to enlist and desert. To have a large number of desertions was not only a melancholy thing in itself, but was very injurious to the service. When young men saw John Smith or Joseph Jones living comfortably in a country town or village after having deserted several times, they would naturally say—"Oh, let us enlist and amuse ourselves for some time, and if it suits us to continue soldiers we will stay, and if it does not we will desert, and there will be no punishment and no disgrace in doing so," and there would thus be a vast number of volunteer recruits and deserters. Another question was, what inducement was held out to young men to go into the Army at all? He did not speak now of those which Sergeant Kite offered to every recruit—namely, that he would be sure to win a pair of epaulets or a Field Marshal's baton. The first inducement held out by the recruiting serjeant, as a rule, was the ancient allurement—"You will be taken uncommonly good care of." What a difference there was however when the recruit had joined his regiment. He found that he was not comfortable, and one of the first things he discovered when there was a bounty was that having been told he would have so much money, when the settlement of the account came about, he found that instead of £5 or £10, he got 3*s*. 6d. or £1. There were certain stoppages which were kept off him, but now, the bounty being abolished, perhaps the stoppages were discontinued. His right hon. Friend had used an ambiguous expression with reference to stoppages. The soldier, he said, was to have a clear 1*s*. a-day. What did that mean? Did it mean that the soldier was to have a clear 1*s*. a-day which he might put in his pocket to do what he liked with? There were still stoppages for clothing and accoutrements. When men were supplied with boots or other articles out of store, they were charged with them in their accounts; was that system to be continued? He wished to say a few words about the Camp at Aldershot. Aldershot in summer was one field of dust, and in winter of black mud—most destructive to the clothing and accoutrements of officers and men. In marching to Aldershot both officers and men were patterns of neatness and cleanliness, justly admired—as they passed through a country town especially—by the other sex for the smartness and gaiety of their dress; but when they returned from Aldershot they presented a very different picture. They were generally obliged to get some new clothing and accoutrements before they could show themselves on parade elsewhere. When the ordinary allowance of clothing and accoutrements would not serve for the time spent and the mischief done at Aldershot, he wished to ask whether there would be any rule by which the men would be relieved of stoppages on that account? Such things prejudiced the service, for they influenced the number of recruits, and affected also the number of desertions. Again, with reference to examinations, while he was an advocate for good education, he thought they might, with regard to officers, raise the standard too high, and thus reject some of the most spirited and eligible candidates. He wanted to know what was the course of examination which a Militia officer must undergo before he could get a commission in the Regular Army?

MAJOR WALKER said, he thought that it would be advisable to have some other means for Militia officers entering the Regular Army than that of passing through a competitive examination. It would be a gain to the Regular Army if, instead of having for young officers youths fresh from the crammers, they were to have a body of young men fully grounded in the elements of their profession. He thought, also, that there should be some better means of educating the officers who chose to remain in the Militia, for it was most desirable that the Militia should have thoroughly efficient officers. A battalion of Militia had a very much smaller proportion of officers, especially of the junior rank, than a battalion of the Line, though the latter had a much smaller number of men. This was attributable to the abolition of Militia ensigns eight years ago, on account of the impossibility of filling up the junior ranks; but that difficulty —thanks to the Secretary of State for War—having passed away, the proper quota ought to be restored. The Militia were entitled to send one officer from the Militia to the Line for every 100 men of the Militia service who, when called upon, joined the Regulars, which would transfer 300 Militia subalterns to the Line; but a long embodiment necessarily led to the retirement of some Militia officers, whose places were filled by the junior rank, and in case of war there was a danger of the Militia being denuded of subalterns. He hoped therefore that something would be done to increase the number of officers in the Militia; but if the number of these could not be increased, greater efforts should be made to increase their efficiency. The right hon. Gentleman had wisely extended the Militia recruits' preliminary drill to three months, but the officer on his appointment had simply the option of 28 days in the Line or going to a School of Instruction, with a limited power of attending the School of Musketry. On the other hand, a young officer going into the Line had to pass a severe competitive examination; then he did a year's duty with his regiment, after which he was sent to Sandhurst for instruction, and, still further, he had after all this, various classes of instruction open to him. This kind of instruction was not afforded to the Militia officer. It had been said that the new system of having military centres would remedy this; but he had not much hope of these military centres being efficient schools for the higher education of Militia officers. The schools open to Line officers should be thrown open to Militia officers, and he believed such an opportunity would be gratefully embraced. He would not say anything as to the policy of abolishing the old Militia Staff, because it was true wisdom to accept facts and make the best of them, but he should be ungrateful if he did not say a word in behalf of a body of men of whom he had seen a great deal. There was an idea that they were broken-down idlers, but speaking of his own Staff he did not believe there were more deserving, respectable, or hard-working men in Her Majesty's service. To these men was due in a great measure the efficiency of the Militia battalions last year, of which the Secretary of State for War had spoken, for long habit had taught them a marvellous power of working up raw material in a short time. Some of the best non-commissioned officers had never served in the Line, and as they were unfit for other business, and had no claim at present to pensions, he trusted that at the end of their five years' engagement they would receive the earnest and generous consideration of the Secretary of State for War. He hoped the new body would be as efficient as the old, but he doubted whether any regiment of the Line would be able to provide an entire cadre of non-commissioned officers for a battalion of Militia. He observed that the number of sergeants had been reduced, and saw no mention of a sergeant-major or sergeant-instructor of musketry. Under the old system they had an instructor of musketry to every regiment, but under the new arrangement it seemed there was only to be one sergeant-instructor for the whole depôt, and he would have to devote his whole time to two battalions, each stronger than those of the Line, and to the whole of the recruits for the two battalions. He thought it impossible in that manner to impart efficient musketry instruction, and hoped that no consideration of small economies would prevent the Staff from being maintained on a proper footing. With regard to the employment of the Militia at the last Autumn Manœuvres, opinions had already been expressed by high authorities, but inquiries had inspired him with some doubt as to whether it was desirable that the Militia should be taken to those great manœuvres. They were very instructive to general and staff officers, and also to colonels commanding regiments, and to some extent to field officers and adjutants, but every military man would agree that the amount to be learned by the private soldier was small indeed; and he was afraid that many would also agree with him in thinking that a good deal was often unlearned by them. There was no doubt that a regiment of the Line was often a good deal shaken in the precision of its drill by going through a course of manœuvres of this kind; but it must be still more detrimental to a Militia regiment, and they ought previously to have more careful training in smaller bodies by brigades. He should, however, be sorry to see the short time of the Militia devoted to the more flash performances of the Autumn Manœuvres. They might be much better employed in gaining a thorough grounding in drill and discipline, for it was every day becoming a more important element in our military system whether the Militia should or should not be efficient.

Mr. W. FOWLER, in rising to move to reduce the number of men by 10,000, said, that during the discussion of the Motion of the hon. and learned Member for Oxford (Mr. Harcourt) the other night, the Prime Minister said it was impossible to have a Committee on the question of the expenditure of the Army and Navy, because it would be of no use, and for this reason—that it was a question of national policy, and therefore one to be settled by the House itself. It was in consequence of that remark of the right hon. Gentleman that he thought it right to bring forward

the Motion he was about to submit to the House. Now, what was our present military establishment, positively and relatively? In 1868 the number of men voted was 137,000; in 1869, the number was 127,000; in 1870, 115,000; in 1871, 134,000; in 1872, 133,000; and in 1873 it is, in round numbers, 125,000, not including 3,900 included in the gross aggregate, but to come out of another part of the Force. In 1869, when the number was 127,000, the right hon. Gentleman at the head of the War Department said—"With such a force I venture to think this country may be considered perfectly safe both from attack and from menace." So strongly did the Government feel the truth of that remark that in the next year they reduced the Force by more than 10,000 men, leaving the entire number about 115,000. Now, however, the gross number of the Army at home and in the colonies was 128,968, and in India 62,924, making a total of 191,892. But they had at home, in addition, of effective Militia, 129,000; of Yeomanry, 13,000; of First and Second Class Reserves, 35,000; and of efficient Volunteers, 160,750, making 337,750, or, with the Regular Army, the grand total of 466,718. That seemed to him to be a very great, if not an enormous force, considering the position in which the affairs of the country now stood. Before he proceeded further he should like to read a few words from an article which appeared last week in the leading journal, and which appeared to him to bear out the view he was submitting to the House. It said—

> "Not only is the number of Regular troops stationed in this island far greater than formerly, but the Auxiliary and Reserve Forces are called into active and available existence. The process, it is true, has not yet reached a very advanced stage, but it must not be forgotten that whereas the Duke of Wellington asked for 100,000 Militia to place the country in a state of defence, we have now more than that number, besides a Regular Force of 50,000 troops."

We have at this moment much more than 50,000.

> "Nor," continues the article, "is it to be said that the conditions or possibility of invasion or war would in these days be different. Nothing has yet been done to render a maritime expedition easier or more practicable than before, and the difficulties in the way of passing an army across the Channel in the face of our Fleet are as great as ever. Nor, as far as we can calculate, would the invading force be more numerous than it might have been in 1848."

These were very striking words considering the quarter from whence they came, and evidenced a feeling that the time had arrived when, having regard to the present state of affairs in Europe, the question should be considered whether our military forces were not more than were required for the security of the country. What was our position now as compared with that in which we were placed in 1870, when, on an unfortunate afternoon, a rather excited House voted 20,000 additional troops? A gigantic war was then being waged—now peace prevails. Instead of regarding France as our enemy, we are negotiating a Treaty of Commerce with her. In 1870 a great cloud hung over our relations with America. Now, that question is settled, and we have paid a very high price for having it settled. Again last autumn there arose fears as to Russian designs in Central Asia. If he might judge by the Correspondence before the House on the subject, that scare had been got rid of; and even if it had not been, we had about 63,000 English troops in India—a very considerable force for us to maintain. But it was said—"There is Germany. What may she not be going to do?" Well, if they were going to keep pace with Germany in military matters, they ought at once to vote 6*d.* additional income tax, and double the strength of the Army. We had no cause for anxiety now. Let us contrast our position with what it was in 1802, or just after the Peace of Amiens, when the position of England was really one of more serious danger than it has ever since been. The then Secretary of State for War told the House of Commons that the total force of the Empire, including regiments serving in India, and the colonies, was 128,000 men, almost the same number as the right hon. Gentleman now had in England and the colonies alone. The population then was less than it now was; but the danger was infinitely greater. There were now 40,000 more troops at home than England had at a time when Napoleon was just on the point of creating that invading force which afterwards, on the heights of Boulogne, produced so much alarm throughout the country. But we were told that the Army must not be reduced because the influence and the honour of the Empire must be maintained. Could our honour and influence depend upon our having 10,000 troops more or less? Whenever our Army made an impression in Europe it was not by reason of the vast numbers of our troops, but on account of the great genius of the men we had at the time to command them. Now, as to the legitimate influence argument. We were in a most peculiar position from the insularity of our kingdom. As Coleridge had said at a dangerous period of our history—

> "Ocean, 'mid his uproar wild,
> Speaks safety to his island child."

We were protected by a bulwark far stronger than any chain of fortifications in the world. Then, too, as we had lately seen, great armaments might entirely fail; while the influence of America was great, though she now had practically neither army nor navy. We depended upon the courage of our people and the resources of our country, and not upon our relative armaments. But we must choose our policy—choose either to be strong in the consciousness of our own strength without meddling with other people, or double our armaments and add enormously to our income tax. All he asked the Government was to go back to the position they took up in 1870, and to the number of men we then had. He would remind the Committee of what the late Sir Robert Peel said long ago. That great statesman said that no amount of money could raise this nation to the standard of a great military Power, because it was not in our nature to be such, but it was in our nature to be a great naval Power. True courage was shown in confessing that we desired peace, and did not desire more than the armaments which were absolutely necessary for our security. If we were conscious of our strength, we should not be anxious to parade great military forces before the eyes of the world. Besides, the idea of anybody attacking us was simply absurd, while no one in England wanted to attack any other nation. We should never secure economy in this country unless we reduced the Military Estimates. Our Civil Service Estimates must increase, no matter what Committees sat to investigate them; but great economy might be effected by reducing the Regular Army, even though the Reserve were strengthened. The right hon. Gentleman might reply that there were difficulties in the way; but reductions had gone on continuously down to 1870, spite of difficulties, and why not revert to that point? We were in far less danger of attack than at that period, and both for reasons of policy and of finance, he thought some reduction loudly called for. Believing that such a reduction might be safely made, and that it would be a great thing if this country, with its boundless resources, would set an example to Europe, he begged to move that the number of our Land Forces be reduced by 10,000 men.

Motion made, and Question proposed,

"That a number of Land Forces, not exceeding 118,968, be maintained for the service of the United Kingdom of Great Britain and Ireland, and for Depôts for the training of Recruits for service at Home and Abroad, including Her Majesty's Indian Possessions, from the 1st day of April 1873 to the 31st day of March 1874, inclusive."—(*Mr. William Fowler.*)

COLONEL BARTTELOT said, that nearly the whole of the arguments of the hon. Member for Cambridge (Mr. W. Fowler) had been demolished the other night by the Secretary of State for War, especially that relating to the panic. Hon. Members must well remember being brought down one hot day in July to vote an extra 20,000 men on the outbreak of war between France and Germany, and he would ask the hon. Member for Cambridge whether, if he were able now to reduce the Army by 10,000 men before the Secretary of state was able to obtain his Army of Reserve, they might not have—looking at the state of the Continent—to vote either next year or the year after a greatly increased number of men. The present Government came into office as avowed economists, but circumstances had beaten them on that point; and credit ought to be given to that (the Opposition) side of the House, who had kept up those stores of supply and ammunition which a former Liberal Government had allowed to get too low. It was now, as ever, a wise and prudent policy to be prepared for war, even when you were pursuing a policy of peace. What were they now cavilling at? Did they really wish to have perfect security in the country? Was the insurance that hon. Gentlemen paid for peace so high at present that they could not afford to pay it? Were they not making larger fortunes and carrying on a greater commerce than ever, and was it not more necessary than heretofore to be able to meet every casualty and danger? But why were they perpetually to hear the cuckoo cry, "Diminish! diminish! diminish!" and from some hon. Members who would be the first to declare that we were unprepared for war, and in a crisis of danger would advise us to go to arbitration or to take some other foolish step in order to maintain the peace of this country? The right hon. Gentleman's proposal was simply this—"Give me time to decrease the Regular Army and allow me to pass a certain number of men over to the reserved list, so that I can command their services at any moment." Now, that was a fallacious proposal, and he was prepared to prove it to be such. Well, the Government proposed to reduce the Army by 8,410 men. But what was the Reserve? Only 7,900 men, on whom the Government had to rely to fill up the vacancies and casualties in the active Army in case of war. The right hon. Gentleman said he had got 31,000 Militia Reserve. That was true; but if he fell back upon that Reserve he would reduce his Militia strength to 98,000 instead of 129,000, the Militia Force that he had got upon paper. The right hon. Gentleman, when he first took office, said he was against the Militia Reserve, because a man could not do two things and serve in two capacities.

MR. CARDWELL: That is not quite what I said. What I said was, that if you had a sufficient Army Reserve, I should not be enthusiastic for a Militia Reserve, upon the ground that what you gain to the Army you lose to the Militia. But I did not say that under the then circumstances—and I do not say under the now circumstances—I am against a Militia Reserve. On the contrary; under these circumstances I think it extremely valuable.

COLONEL BARTTELOT said, the right hon. Gentleman of course referred to a Militia Reserve that was available. But when they had only 7,900 men in the Army Reserve and were reducing the Militia Reserve, what became of that enormous host which the hon. Member for Cambridge had paraded before the Committee? He wanted to know in what part of the Army the hon. Member proposed to make his reduction? Was it in the Infantry? Why the battalions were already attenuated to 520 men. Had the hon. Gentleman ever been to Aldershot or anywhere else? Had he seen the number of men on guard, in hospital, as officers' servants, and artificers, and in other capacities? Would he reduce the scientific branches of the Army—the Engineers or the Artillery, which the Government had taken so much trouble to increase—or the Cavalry which were the eyes and ears of the Army? It was very easy to say—"Let us reduce the Army by 10,000 men," but he would like the hon. Gentleman to show the Committee how the reduction was to be made. He asserted that no clear case had been made out for the reduction. The House and the country did not wish to have a recurrence of these panics, and looking at the increased population and the means of the people, he maintained that they were not overtaxed to provide for the defence of the country. He would now turn to the present state of the Army. The statement of the right hon. Gentleman the other evening was very plausible and pleasant—it tinged everything *couleur de rose*, and if they could only accept his views, they ought to be a happy family indeed. The right hon. Gentleman had undoubtedly done many admirable things since he had been in office; but it was also true that in some things he had failed. How, for instance, did he account for the enormous amount of desertions from the Army which had occurred during the last two years? Through the energy of an hon. Gentleman who sat below the gangway a Return had been ordered of all the desertions since April 16, 1871, when the practice of marking with the letters "D." and "B. C." on deserters was abolished in the Army. Had the desertions increased or not since this branding had been done away with? He had obtained some very curious facts on the subject, and if this debate had been adjourned for another day or two he could have added to them considerably. There was one gallant regiment—a Cavalry one, and a most distinguished one—numbering not 547 men but only 447 men, from which the number of desertions since April 16, 1871, was no less than 116. That regiment was second to none for its discipline. The number of men who had fraudulently enlisted was 19. How many desertions did the Committee think had occurred in the same regiment in the two years previous to April 1871? Only 23. The moral obviously was, that men knew they could now desert with impunity. A friend of his, an officer, went the other day into a military prison in Dublin, where he saw a man who had been dismissed in ignominy from his own regiment. In reply to a question as to what brought him there, the man said—"I cannot keep out of trouble; I enlisted again, and here I am." There was no means of ascertaining that that man had been dismissed in ignominy from another regiment. It must be patent to everybody that the right hon. Gentleman must take some steps to put a stop to the frightful number of desertions now occurring. If he were to propose that the practice of marking deserters should be revived he would certainly be howled at by hon. Gentlemen on the other side of the House, who would say it was the height of cruelty and a most improper thing to do. He would however suggest that soldiers who were known as deserters, or who had been dismissed with ignominy from their regiments, should be placed for a term of years under police supervision in the same manner as convicted criminals were. At all events, he entreated the right hon. Gentleman to take some determined step with a view to preventing the number of desertions, which were a perfect disgrace to the service. With regard to the discussion on Monday night, he referred to the statement of the Secretary of State for War, that his sheet anchor had failed, because a late Report showed that the mortality in India was not at the rate of 2 per cent per annum. The right hon. Gentleman candidly admitted that he left out the cholera year; but he maintained that every year of service in India ought to have been taken into account.

MR. CARDWELL: I said that for 10 years the mortality did not equal 2½ per cent among the troops in India, whereas the statement which the hon. Gentleman made was that it was 3¼ per cent. I also said that the last year for which there were complete Returns—namely, the year 1871, it was below 2 per cent, being, in fact, 18·73 per 1,000. I added that we had not yet received complete Returns for 1872, but I remarked that if we had, it would probably be found that the mortality had been greater, inasmuch as there had been an epidemic. In the 10 years' average every year was included, whether an epidemic prevailed or not.

Colonel BARTTELOT said, that as epidemics broke out periodically in India they ought to be taken into account. But even if the mortality was reduced to the figure mentioned by the right hon. Gentleman, it by no means followed that it might not be still further diminished by the adoption of his proposal. With respect to the regiment he alluded to the other night, he was now in a position to state that 17 officers died and 409 men, and that the number of the regiment when it left for India was 1,061. The numbers invalided home or to the Hills were — Officers, 60; non-commissioned officers and men, 912, or more than 6 per cent per annum of the whole. These figures spoke for themselves, and, indeed, he believed that if the mortality and sickness of all the regiments were accurately ascertained, the estimate he had given would be found to be under rather than over the mark. His opinion was that the 12 years' service in India was a great deal too long. The right hon. Gentleman however only proposed to keep the head-quarters of the regiment there for so long a period. He was surprised at hearing the hon. and gallant Member for Kincardine (Sir George Balfour) say that it was the men and not the officers who cared about staying, because under the short-service system the officers would be kept there and not the men. While on this point he would ask the right hon. Gentleman how long he intended to keep regiments in the colonies, whether, in the case of the linked battalions, he intended that they were to serve five or six years in the colonies, and then 12 years in India? He also wished to say that anyone who had ever seen troops from India landed in this country would be distressed at their condition. Often they reached England in the depth of winter, and the consequence was that many died and many more suffered terribly. Why could not arrangements be made for their passing a few months at Malta or Gibraltar on their way home, in order to become acclimatised to our rough climate? As he understood it, the exchanges in the linked battalions were to be amongst sub-lieutenants and lieutenants only. Now, there could be no difficulty about exchanges where there were two battalions of a regiment; but there would be a great difficulty in exchanges with regiments of different colours, facings, and traditions. It was a matter of vast importance to the Army when it was remembered that every officer thought his regiment the best. The Report that had been placed that morning in the hands of hon. Members was carefully drawn. It contained very valuable suggestions; and if the Secretary of State for War adhered to many of them and adopted them he would have done more to establish a connection between the Army, Militia, and Volunteers than any of his predecessors had attempted to do. The Report stated that if each regiment was to retain its distinctive number, traditions, colours, and facings, the public should bear the cost of change of officers' uniforms, except when it took place on promotion or on the application of the officer so transferred. That was a step in the right direction, because in exchanging them from one battalion to another, and from one uniform to another, it would be a great hardship to put them to the expense of their new uniforms. He wished to know whether it was intended, after linking the battalions together, to do away with all the linked battalions, and make them two battalions of one regiment. There were regiments who thought no other regiment was like their own, and it would be a shock to them to be told that yellow would have to give place to blue, and blue to bright green. No greater boon could have been given to the soldier than his receiving his pay in full without deductions for rations; but according to a letter in the morning papers, deductions were to be made for groceries, but, as he understood the right hon. Gentleman's statement, 4½*d.* a-day only was to be deducted for bread and meat, and that the grocery would still have to be paid for as well as all necessary repairs to boots and shoes, so that these deductions would have to be made from the shilling the soldier was to receive. Now, as there was nothing a private soldier hated so much as not knowing what he was about, it was necessary that the right hon. Gentleman should make a clear explanation on this point. The Autumn Manœuvres had been most popular with the officers of the Army, and he warned the Secretary of State for War, not from any false economy or from any wish to slightly curtail the expense to have manœuvres on a small scale held simultaneously at several places. The great object of these Manæuvres were to test everything, especially the Control department, and to instruct general officers how to move large bodies of men. Great discontent prevailed with regard to clothing on such occasions, and he wanted the right hon. Gentleman to consider whether he could not make some allowance towards the clothing of the men when out on duty of that kind. The Army ought to be obliged to the right hon. Gentleman for many suggestions that he had made; and if he had only the heart and the pluck to carry out what he wished to do, about which circumstances made him waver—if he went boldly on and carried out the principles he had enunciated, he would then deserve the thanks of the Army.

MR. HOLMS said, he felt that a great responsibility now rested on the House in relation to this question. He had remarked that the Secretary of State for War in his able statements always asked whether it was the opinion or the pleasure of the House that such and such a step should be taken. They ought therefore carefully to inquire into all the statements that were made to them. He understood his hon. Friend the Member for Cambridge to desire not to get rid of 10,000 men, but that they should be transferred to the Reserve. For himself, he had no sympathy with those who came forward to ask at one time that 10,000 or 20,000 men should be struck off, and at another time that 10,000 or 20,000 men should be added. They ought to act on a more business-like system, and, if possible, to have a good Reserve. He believed it was in the power of the Administration to pass those 10,000 men into the Reserve if they chose to do so; and in doing it they would not only confer a boon on the 10,000 men, but save an enormous sum of money to the country. Even if they paid them £20 per man, they would effect a large saving by the arrangement. They had 57,000 men over 30 years of age. Why in the name of common sense, humanity, or morality, did they not allow 10,000 of them to go to their homes, taking good security that they would come back to them in time of need? That was the only road to true economy. If that 10,000 men were permitted to go into the Reserve, an encouragement would be held out to men in the Army not to desert, but rather to wait for this honourable and profitable mode of returning to their homes. What was the object which the House had in view in 1870 in reorganizing the Army at all? Everybody was then agreed that our Army was not efficient and that its cost was very extravagant; and it was expected that by-and-by they would have lower rather than higher Estimates. He would compare the present Estimates with those of the 10 previous years, first, in what was called the rough and ready way, that was to divide the amount of the Estimates by the men of the Regular Army; second, to deduct the cost for the Reserves and divide the remainder by the numbers of the Regular Army; and, further, to make the same comparisons by leaving out the extra Exchequer receipts. From 1863-4 to 1866-7, four years of the Palmerston and Russell Administrations, the cost per man of the Regulars, divided in the old rough and ready manner, was £101 3*s*. 10*d*. From 1867-8 to 1868-9, during the Derby and Disraeli Administration, it was £111 5*s*. per man, and during the four years of the present Administration it was £109 15*s*. 6*d*. per man, and in the present Estimates it was £116 18*s*. 6*d*. per man. Without the Reserves the cost was for the same periods £87 12*s*. 4*d*., £100 11*s*. 7*d*., £90 5*s*. 10*d*., and in the present Estimates £99 7*s*. 6*d*. per man. Without the Exchequer receipts the cost was £95 7*s*., £99 10*s*. 2*d*., £100 9*s*. 3*d*., and this year £105 19*s*. per man, and excluding the Reserves £81 10*s*., £89 4*s*. 5*d*., £80 1*s*., and this year £88 18*s*., so that this was the highest year during the period of 10 years he had named. Very conflicting statements had been made with reference to desertions. The right hon. Gentleman stated that 5,861 men had deserted, of whom 1,855 had rejoined; or, in other words, they had been apprehended. But how did that compare with the last 10 years? In the past 10 years there had been 33,578 desertions, of which number 19,729 did not rejoin, were apprehended and tried, being an average of 58 per cent; but towards the end of the 10 years the apprehensions gradually diminished to 48 per cent, a state of things most discreditable to the Army. He found from *The Police Gazette* that in 1872, 8,471 men were advertised as deserters, of whom 818 were recruits who had not been finally approved of. Deducting this number, he found that 7,653 deserters had escaped. The reason why there was a difference between his figures and those of the Secretary of State for War was this—that when a man had been away five days he was reported to the War Office and his name and description were sent to *The Police Gazette;* but if he rejoined within 21 days he was not regarded by the regiment as a deserter and tried by court-martial, but he was looked upon as a sort of prodigal son, and was dealt with in a summary manner. He considered desertion the most deplorable feature in our military system. The evidence of dissatisfaction was that there were more than 7,000 men who did not desire to stay with their regiments, and therefore left them. He had seen recently a statement in the newspapers showing how soldiers found a new way of getting out of the Army. An artilleryman was brought up to the police-court at Woolwich charged with stealing a pound of tobacco. His defence was that he had been under stoppages for some months for some misconduct. Mr. Maude, the magistrate, said that the last 20 or 30 soldiers who had been charged with theft before him had no object but to escape from the Army, being mostly young men who had enlisted before they well knew their own minds on the matter. His opinion was that the soldiers must be better paid and better treated. With respect to the system of short service being in any way a cause of desertion he would state that out of the 7,653 who deserted, 2,954 belonged to the Cavalry and Artillery, which were long-service and pension branches, being 39 per cent of those two branches, whilst those branches were only 29 per cent of the whole Army. It was clear, therefore, that desertion was not to be attributed to short service and absence of pensions, but entirely the reverse. Of two Cavalry regiments, numbering 994 men, in the course of the last two years 294 had deserted. If those regiments which were supposed to serve for 12 years, had been left alone, in six years and four months there would not have been a couple of men left. In comparing this state of things with the Metropolitan Police Force, consisting of 9,700 men, he found that only five had deserted in 1871, while no fewer than 4,772 recruits offered themselves during the same period, being three times the number required. He thought the day would come when they would not be content with having fewer men presenting themselves for the Army than for the Metropolitan Police Force. He felt much dissatisfied with the state of recruiting during the last year, and especially in connection with the circumstance, that in November a War Office order was issued permitting recruiting sergeants to take youths from 17 to 19 years of age. So long as the limit of age was as low as that they were getting boys and not men. In 1872 the number of men recruited for the Militia was 30,154, when a large number was required for the Regular Army, which had to take the refuse after the Militia had been recruited. The right hon. Gentleman in speaking of the Reserves, said there were 7,993 No. 1 Reserves and 31,522 Militia Reserves; but really there was no difference between the latter and ordinary Militiamen, except that they received £1 a-year more pay; but that did not make them any fitter to be sent out of the country. Since that Reserve had been established, £20,000 or £30,000 a-year had been spent upon it, and if £30,000 were granted this year, it would make a total of £150,000 in six years. But many of these men had grown old in the service, and if we were engaged in war abroad no one would think of sending them out. There were 443 of them over the age of 35, and 2,005 between 30 and 35. During the Crimean War, when the Militia were called out, there were 61,500 men, and within one month 19,000 volunteered to go to the Crimea. There was no Reserve then, and the Government did not pay the extra pound, and he did not see why they should do it now. He did not like nominal Reserves who were only plain Militiamen. The House had imposed upon it a grave responsibility, but why should they have so much discussion about questions of detailed information which ought to be clearly furnished by those in authority. The House, being responsible for the Army Estimates, was not by the present system in a position to judge of them except so far as the money went. They ought to be able to judge both of the quantity and quality of the article they were paying for, and he would suggest that every year they should have, as an Appendix to the Estimates, a plain statement showing the real number of men on the 1st of January in each year, and the ages of the men, showing how many were under 20 and how many were over 30 years of age; the Return also to include the number on the 31st October preceding, in India. There also ought to be a statement of the number of men and officers who turned out at the last training of the Militia, and the number of recruits of the last year, and their ages. There should also be a Return of the number of deserters, of soldiers in each branch of the service, and of recruits; and an explanation of the extra Exchequer receipts. These receipts were put down at £1,185,000 in this year's Estimates; why should there not be a detailed statement of that amount put before the House next year, when the Estimates were considered? Then, instead of a medical Report for 1870, as they had now only presented in 1873, they might be supplied with a few simple facts relating to the medical condition of the Army in 1872, such as the number of men continually in hospital, the number of deaths, &c.; while, with regard to crime, a short summary of the military prisons' Report might state the number of men sentenced to long periods of imprisonment. All these particulars would enable the House to judge of the quality as well as of the quantity of our men in the Army.

MR. H. R. BRAND thought the House and the country were greatly indebted to the right hon. Gentleman the Secretary of State for War for the manner in which he had carried out his scheme of Army re-organization. Nor did he by any means despair that the officers of the Army themselves would in course of time be brought to feel that the Government in proposing that scheme were actuated by no desire of inflicting injustice upon their interests, as individuals or collectively. The fact, he might add, that there had in one year been more than 4,000 desertions from the Army was very startling; but it was one which was comparatively satisfactory when it was taken into account that these desertions had in some quarters been set down at as high a figure as 8,000. The Secretary of State for War had quoted a remark made by General M'Dougall's Committee, to the effect that the number of desertions might be accounted for by the reaction consequent on the undue excitement of the Franco-German War, while the hon. Gentleman who had just sat down sought to show that they were a sign that the Army was unpopular throughout the country. It should, however, be borne in mind that there were a great many men who deserted from one regiment—the Rifle Brigade, for instance—into another regiment, while he agreed with the hon. and gallant Member for West Sussex in thinking that if, in the case of habitual desertions, some system of supervision were established, desertions would be fewer, and the country would be put, in that respect, to less expense. The proposal of the right hon. Gentleman would, he believed, prove to be the best for preventing desertions—it was an increase of pay in the Army. By opening out to the men in the First Class Army Reserve the chance of getting good civil employment, their position would become better than it was under the old system, even with the prospect of a pension after 21 years' service. As to recruiting, he should like to know what was the real age at which recruits were enlisted? He had heard that a great number of young men now joined the Army between the ages of 16 and 17; and if that were so, we should in the course of a very short time have an Army composed entirely of young boys. The question of enlistment was too large a one to discuss at that hour, but the right hon. Gentleman would, in his opinion, have perfected his system with greater ease if he had not attempted to reconcile the irreconcilable, by seeking to garrison India and to form an Army of Reserve at home under the same system, and endeavouring to keep the Militia side by side with the Regular Army and in competition with it. There might, possibly, be good reasons why we should not keep the Indian Army distinct; but there could be no such reason why a Militia establishment should be kept up side by side with the Regular Army. Nothing, indeed, could be plainer than that it was the opinion of General M'Dougall's Committee that the Militia was not a force to be relied on for foreign service. It was said that the regular Staff of the Militia being merged in the local depôts, recruiting was carried on side by side with the Regular Army, and that the Militia officers were anxious to pass their men on to it. But those officers were animated by an *esprit de corps* as well as the Regulars, and passed their worst men instead of the best, and the system, at all events, was a very expensive mode of recruiting the Regular Army. He hoped when the scheme was perfected the Militia would be gradually reduced to zero, leaving solely the Regular Army and the Reserves to be relied upon. He would now say a few words with regard to the Motion of the hon. Gentleman the Member for Cambridge (Mr. W. Fowler). That Motion was of a very grave and serious character. Looking to the general impatience of taxation—to the demands for the repeal of the income tax and the malt tax, and to the scramble for Imperial grants for local taxation—there was a great inclination on the part of hon. Members to make it comfortable all round to their constituents, and vote for a reduction of the establishments. If it were only a question of economy, he would be inclined to go into the lobby with his hon. Friend; but the real question was, what was necessary for the defence of the country and the maintenance of its interests in every part of the globe. These Estimates were not prepared with the view of putting this country in a position to compete with continental armies. The hon. Member for Cambridge was wrong in comparing the Estimates of this year with the expenditure in the early part of the century. Since the Crimean War and the Indian Mutiny, Parliament had deliberately adopted a different policy, and that was the difficulty which the hon. Member had to face. In 1818 they had about 120,000 men of all ranks, including India, and in 1853 they had only increased to 150,000. But from that time—the year preceding the outbreak of the Crimean War—till 1870 they had between 180,000 and 200,000 men on their establishments, including India. He might mention that Lord Sandhurst, in the evidence which he gave before the Select Committee last year on the Euphrates Valley Railway scheme, had expressed his firm opinion that, with the view of making the Government of India capable of coping with any sudden emergency in that country, the number of British troops garrisoned in India should never be reduced below the figure of 70,000 men. They had at present 63,000 men in India, and 95,000 men at home, and it was now proposed to reduce the home establishment by 10,000. The mere fact that they had withdrawn troops from the colonies was no reason for reducing their force, for when they had considerable bodies of troops in the colonies they were available for service in every part of the globe. With regard to the state of Europe, he would only recall to the hon. Gentleman that before the war of 1870 the Foreign Office stated that never was the political horizon more peaceful. They knew how correct that opinion was, and he would remind them also that a few weeks ago the country was excessively anxious as to its relations with Russia. Their Infantry was now much the same as in 1870; the increase was in their trained forces—the Artillery and the Engineers; and he would ask any hon. Member whether he would vote for a reduction of these branches of the service. That economy was very questionable which spent time and trouble in adapting an elaborate machine to its purposes, and then threw it away as useless because they must incur expenditure in keeping it in repair. Considering that they had only got a Reserve of 7,000 men, he did not think they had a man too many in the Army.

Sir GEORGE BALFOUR said, he thought that the reduction in the Army of India from 70,000 to 63,000 men was due not to military, but financial reasons.

Mr. PEASE remarked that the saving on the Army Estimates, on which the right hon. Gentleman congratulated himself, was counterbalanced by the increased expenditure on our naval force. A few years ago the Secretary of State for War boasted that he had saved upwards of £2,000,000 on the Army Estimates, as compared with the previous Administration, and he asked whether that reduction of expenditure was attended by a diminution of efficiency. Before the right hon. Gentleman sat down he clearly proved his case that the efficiency of the Army had not been diminished. The right hon. Gentleman on that occasion told the House that the Army was adequate for all purposes, and he spoke of the evil of having a large number of troops unemployed at home. On the breaking out of the Franco-

German War a force of 135,000 was asked for, and that force was provided for in the Estimates for the following year. He (Mr. Pease) and many others protested against so large a force, and the Prime Minister explained that the then state of things required that we should have a large Army. The Estimates for 1871-72, it was said, were only transition Estimates; but it would now appear that the transition was to go on while generations of men were passing away. In his opinion there was a discrepancy between the Estimates presented by the Government now and those presented in 1870. The Government had given the hon. and learned Member for Oxford (Mr. Harcourt) a Committee to inquire into the civil expenditure of the country; but the hon. and learned Member must have felt that when he asked for bread he had received, if not a stone, a crust, from which he would get very little nourishment. The right hon. Gentleman (Mr. Cardwell) said the increase in the price of various articles had raised his Estimates by £500,000. He gave him credit for that, but he warned him two years ago that he must prepare for an increase of Estimates owing to the rise in the cost of labour and the cost of articles. Of what avail were the reorganization of the Army and the abolition of purchase, if the expenditure on the Army was not to be reduced? What was the use of a policy of arbitration, if it was to be kept up by a policy of large military expenditure? That recruiting had been almost a failure he attributed mainly to the high price of labour and the low wages paid in the Army. A large Army in time of peace was a great evil, and he would gladly vote for the Amendment of the hon. Member for Cambridge.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Pease.*)

Motion, by leave, *withdrawn.*

Question again proposed,

"That a number of Land Forces, not exceeding 118,968, be maintained for the service of the United Kingdom of Great Britain and Ireland, and for Depôts for the training of Recruits for service at Home and Abroad, including Her Majesty's Indian Possessions, from the 1st day of April 1873 to the 31st day of March 1874, inclusive."—(*Mr. William Fowler.*)

SIR JOHN PAKINGTON moved that the Chairman should report Progress.

MR. CARDWELL said, he would not oppose the Motion.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."—(*Sir John Pakington.*)

The Committee *divided*:—Ayes 159; Noes 33: Majority 126.

House *resumed*

Committee report Progress; to sit again *To-morrow.*

SALMON FISHERIES COMMISSIONERS BILL.

On Motion of Mr. WINTERBOTHAM, Bill to discontinue the office of Special Commissioners of Salmon Fisheries in England, *ordered* to be brought in by Mr. WINTERBOTHAM and Mr. Secretary BRUCE.

Bill *presented*, and read the first time. [Bill 85.]

House adjourned at a quarter after Twelve o'clock.

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HOUSE OF LORDS,

Friday, 28th February, 1873.

MINUTES.]—PUBLIC BILL—*Second Reading*—Polling Districts (Ireland) * (34).

Their Lordships met;—and having gone through the Business on the Paper, without debate—

House adjourned at a quarter past Five o'clock, to Monday next, Eleven o'clock.

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HOUSE OF COMMONS,

Friday, 28th February, 1873.

MINUTES.]—SELECT COMMITTEE—Contagious Diseases (Animals), *nominated*; Civil Service Expenditure, *nominated.*
SUPPLY—*considered in Committee*—ARMY ESTIMATES.
PUBLIC BILLS — *First Reading* — Cove Chapel, Tiverton, Marriages Legalization * [86].
Second Reading—Drainage and Improvement of Lands (Ireland) Provisional Orders (No. 2) * [82]; Portpatrick Harbour * [61].
Committee—Custody of Infants * [67]—R.P.

EXTRADITION TREATY WITH PORTUGAL—CAPITAL PUNISHMENT.

QUESTION.

MR. GILPIN asked the Under Secretary of State for Foreign Affairs, If Portugal has abolished Capital Punishment; and, if that circumstance has caused a difficulty in making an Extradition Treaty between that country and the Government of Great Britain?

VISCOUNT ENFIELD: The Portuguese Government have informed Her Majesty's Government that the pain of death being abolished from the Portuguese penal code, they could not admit it in an Extradition Treaty; and they have been informed in reply that Her Majesty's Government cannot agree to a stipulation for the commutation of that penalty; the subject, therefore, is in abeyance.

ARMY—MEDICAL DEPARTMENT—DENTAL SURGERY.—QUESTION.

DR. BREWER asked the Secretary of State for War, Whether any means have been taken to introduce dental surgery, other than mere extraction of teeth, viz. remedial measures for the preservation of teeth, into the Service?

SIR HENRY STORKS, in reply, said, that he could only repeat the Answer which had been given by the Secretary of State to his hon. Friend last year—namely, that he had consulted the Inspector General of the Army Medical Department, and had learned from him that all Army surgeons were required to be completely instructed in dentistry; but it was not thought expedient to divert their attention from other and perhaps more important subjects of duty for more special care of teeth.

LOANS TO POLITICAL PARTIES—SPAIN—CHARLES VII.—QUESTION.

MR. STAPLETON asked Mr. Attorney General, Whether his attention has been called to a paragraph which has appeared in several papers, announcing that a public subscription has been opened in aid of the cause of His Majesty Charles VII. of Spain; whether it is in accordance with the Law of England to raise subscriptions in order to foment civil war in a country with which we are at peace; and, whether the abdication of King Amadeus alters the character of the war now being carried on by the Prince who is called Charles VII., so as to render such subscription legal, in as much as the Republic has been proclaimed in the capital and is the de facto Government there and in other parts of Spain?

THE ATTORNEY GENERAL: I have ascertained from the best authority that although the English Government are in communication with the persons administering the Government in Spain, no Government has yet been constituted in that country which admits of recognition. Any endeavour, therefore, to raise a loan to support foreigners in their attempts to possess themselves of the government would, if they resulted in contracts, find those contracts unenforceable in the Courts of Law and Equity in this kingdom. When any form of government has been recognized by England, then contracts for money made in this country by British subjects to support foreigners in attempts to resist or overthrow that Government are illegal contracts. No English Court of Law or Equity will enforce them, and the strongest language, if confined to observations upon the conduct of individuals in connection directly with such a transaction, is not actionable. This is the result of a judgment of Lord Eldon's, in 1823; of two Judgments of Sir L. Shadwell, in 1824; and of two judgments of the Court of Common Pleas in the time of Lord Wynford—

> "It is contrary to the law of nations (which in all cases of International Law is adopted into the Municipal Code of every civilized country) for persons in England to enter into engagements to raise money to support the subjects of a Government in amity with our own in hostilities against their Government, and no right of action can arise out of such a transaction."—*De Wütz v. Hendricks.*

But I find nothing in the cases to justify me in stating—and I am not prepared of my own authority to state—that though the contracts may be illegal, those who enter into them are in any way punishable. The matter was, I know, much considered by those who disapproved the conduct of those who sympathized with the Slave States in the late American War, and opinions were, I believe, taken, which were substantially to the effect I have stated. This, I am aware, is not a categorical answer to the hon. Gentleman's Question; but it is the only answer I can give him. I am happy to be able to furnish the House with all the information in my power with respect to the existing state of the law; but it is not my duty as Attorney General to construe documents or to give a legal opinion on their construction. I must therefore decline to pronounce an opinion on such documents, and still more on abstract questions of law such as those put by the hon. Member.

TRAMWAY BILLS.—QUESTION.

MR. EYKYN asked the President of the Board of Trade, If his attention has been directed to the three Tramway Bills introduced this Session, which seek powers for the Companies to work Tramways "with other than animal power;" and, if so, if he will state what course he purposes taking as to such three Bills?

MR. CHICHESTER FORTESCUE, in reply, said, that there was nothing in the General Tramways Act to prevent mechanical power being used on tramways, and that it was not the intention of the Board of Trade to oppose the second reading of the Bills in question on that ground. But he found that those Bills would have the effect of ousting the general right of the Board to inspect and grant certificates in the case of all railways on which steam power was to be used before they were open, and the promoters had been informed that that alone would be a sufficient reason for opposing the second reading. In the case of one of the Bills—the Edinburgh Tramway Bill—the clause relating to steam power had accordingly been struck out. In the case of another—the Vale of Clyde Tramway Bill—the promoters had engaged to carry out their undertaking subject to the consent of the Board of Trade before the line was opened, while the Columbia Market Tramway would require the certificate of the Board before opening.

NAVY—GREENWICH NAVAL COLLEGE —DR. ARMSTRONG.—QUESTION.

MR. A. GUEST asked the First Lord of the Admiralty, Whether it is true, as stated in the public journals, that it is the intention of the Lords Commissioners of the Admiralty to appoint a general practitioner to take medical charge of the Naval College lately formed at Greenwich Hospital; and, if such be the case, the reasons that have led to that determination?

MR. GOSCHEN, in reply, said, an arrangement had been made some years ago, in accordance with which Dr. Armstrong had been appointed to attend the naval school at Greenwich. The duties which had thus been imposed upon him he had discharged remarkably well, and it had also been arranged that he should attend the Royal Naval College for a payment of £50 a-year. As he seemed to be well qualified to perform the duties, it appeared to the Board of Admiralty that there was no good reason why a resident surgeon should be appointed to discharge them at a cost of £200 a-year, besides quarters and allowances.

NAVY—STRAITS OF MAGELLAN.

QUESTION.

SIR JAMES ELPHINSTONE asked the First Lord of the Admiralty, If he has taken any and what steps to obtain a complete and accurate survey of the Straits of Magellan, which has now become the most frequented route to the Western Coast of South America?

MR. GOSCHEN: Nine years were devoted to the survey of the Straits of Magellan and the immediate neighbourhood by the late Admirals King and Fitzroy, between the years 1826 and 1836. In the year 1866, in anticipation of the increased intercourse between the Atlantic and Pacific Oceans by the Straits of Magellan, a surveying ship was again sent to that region, and during the three years she was employed there a complete and accurate survey was made of the intricate eastern portion of the Straits, where dangerous shoals exist and strong tides prevail. The western portion, which is deep and broad, and where few dangers are to be met with, was also rectified; and, in addition, the narrow channels which run along the western shores of Patagonia from the Straits of Magellan for about 350 miles to the north were re-examined, and their more intricate parts minutely surveyed. The whole of these surveys have been published by the Admiralty, with minute directions for their navigation, and the largest steamships now navigate these regions in safety.

RUSSIA AND PERSIA—VALLEY OF THE ATTREK.—QUESTION.

Mr. OSBORNE asked the Under Secretary of State for Foreign Affairs, When the British Government were first informed of the acquirement made by Russia of territory in the Valley of the Attrek, and if the British Minister at the Court of Persia notified to the Foreign Office that the Shah had addressed a Firman to the Emperor of Russia, by which the latter was enabled to acquire territory on the northern boundary of Persia?

Viscount ENFIELD: Her Majesty's Chargé d'Affaires at Teheran, in a despatch dated May 18, 1872, reported that an arrangement had, he understood, been made about two years ago between the Russian Mission and the Persian Minister for Foreign Affairs to the effect that in the quarter of Asterabad the River Attrek was to be the frontier line between Russia and Persia. The Persian Prime Minister professes to have been, until lately, ignorant of the transaction. The Minister for Foreign Affairs thinks that the arrangement will check Turcoman inroads, and restore tranquillity to Asterabad. The Persian Minister in this country on the 29th of January last denied, on the authority of the Grand Vizier by telegraph, the rumour of a secret Treaty between Russia and Persia. He further stated that there was no such firman as had been alleged, giving to the Russians possession of some territory on the Attrek. Indeed, the territory described did not belong to Persia. The Russian Ambassador, in reply to a question put by Lord Granville, stated on the 23rd of January that he was not aware of any Treaty between Russia and Persia ceding to the former a portion of Persian territory, and, indeed, was sure that it did not exist. The Report of Her Majesty's Chargé d'Affaires alluded to will be included in the Papers about to be presented, as well as other previous Papers bearing on the occupation by Russia of the countries on the east of the Caspian since 1868.

MERCHANT SHIPPING ACT—THE STEAMSHIP "PERU."

QUESTIONS.

Mr. HAMBRO asked the Secretary of State for the Home Department, Whether it is a fact that fifteen seamen belonging to the late steamship "Peru" are now undergoing in Dorchester Castle a sentence of twelve weeks' imprisonment with hard labour for refusing to go to sea in that ship; whether it is a fact that that ship foundered at sea two days after leaving Portland Harbour; and, if the facts are as alleged, he will promptly take the proper means for relieving these men from any further punishment in consequence of the sentence inflicted on them? He also wished to know, whether the right hon. Gentleman intended to institute any official inquiry into the matter?

Mr. BRUCE: In reply to the Question of the hon. Member, I have to state that no information whatever upon this subject has reached the Home Office. As I only saw the Question on the Paper this morning, it was impossible in such a short period for me to obtain any information relative to the ship he refers to. If, however, the hon. Member will repeat his Question at a more convenient time, and thus give me an opportunity of acquiring information on the subject, I shall be happy to answer it. Without some knowledge of the facts of the case, it is impossible for me to state what course ought to be pursued in the matter.

THE CONSULAR SERVICE.—QUESTION.

Mr. EASTWICK asked the Under Secretary of State for Foreign Affairs, Whether the recommendations of the Committee of last year are being carried out with regard to the Consular Service, in providing for increased allowances to some Consuls, as in the United States, and for more liberal outfits, by reductions in other quarters; and, if he will lay upon the Table a Return of such changes?

Viscount ENFIELD: The recommendations of the Consular Committee involve important alterations in the service, and, probably, a considerable increase of expense. Lord Granville has instituted inquiries to be made by competent authorities in some countries with respect to our Consular establishments, which inquiries will be further continued; but until they are completed, the Secretary of State is not prepared to make any announcement on the subject.

POST OFFICE—THE CAPE COLONY—POSTAL CONTRACTS.—QUESTION.

MR. SALT asked the Postmaster General, If the statement is correct that "A public meeting has been held in Capetown, at which the new Postal Contract entered into by the Home Government with the Union Company was unanimously condemned;" whether that Contract was negotiated in accordance with the regulations usually observed at the Post Office; and, whether it is so far concluded that it cannot now be amended or revoked?

MR. MONSELL: Nothing is known here as to a public meeting having been held at Capetown beyond what has appeared in the newspapers. It is the usual practice of the Post Office, when a mail packet contract is about to expire, to advertise for tenders, and this course would probably have been adopted in the case of the Cape mails, if the contract made in 1868 with the Union Steamship Company had gone on to its termination. But in January, 1872, when that contract had still four years and a-half to run, the company made an offer to increase the frequency of the service; to accelerate the speed, and thus to shorten the time occupied in the voyage; and to forego a certain portion of their remuneration, in consideration of the contract being extended for three years and a-half. This offer was considered an advantageous one, both for the public and the Government, and was accepted. The fact that cases might sometimes occur in which it would be desirable to renew existing contracts was fully admitted by the Select Committee on Packet and Telegraphic Contracts of 1860, who, in their first Report, stated that they were not prepared to lay down any general rule on the subject. The contract was executed on the 19th December last, and the Postmaster General has now no power to amend or revoke it. It is, however, subject to the approval of the House of Commons.

POST OFFICE—HALFPENNY POST-CARDS.—QUESTION.

MR. WELBY asked the Postmaster General, Whether he still intends to issue new Regulations concerning Halfpenny Post Cards; and, if so, whether he is willing to state when they will be published, and what the nature of the alterations will be?

MR. MONSELL: I do not quite understand the hon. Member's Question. He asks me whether it is "still" my intention to issue new regulations concerning halfpenny post-cards. I never had any intention to issue such new regulations.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

THE COLONIES.

MOTION FOR A SELECT COMMITTEE.

MR. MACFIE in rising to call attention to the Relations that subsist between the United Kingdom and the Colonies; and to move that

> "A Select Committee be appointed to consider the relations that subsist between the United Kingdom and the Colonies, particularly as they affect the direction which emigration takes and the occupation of waste lands within the Empire,"

said, the relations between England and her Colonies were not of so satisfactory a character as some people supposed, and people in the Colonies certainly did not look upon those relations as anything like what they ought to be. No doubt the intercourse between the Colonies and the Colonial Office was everything that could be desired in civility and cordiality, but something more was required, and what was contended for was a closer union between the two than at present existed. In proof of this the hon. Gentleman read numerous extracts from speeches and writings of various statesmen of eminence in the Colonies. He then proceeded to say that it was the duty of England to initiate a system which would build up a great Empire, and add prosperity, strength, and permanency to it and the Mother Country. Even admitting that the present relations of the Colonies to England were satisfactory to the Colonies themselves, he would ask whether they could be regarded as satisfactory by the English people? We were at present in the enjoyment of peace, but no one could say how soon we might not be engaged in bloody war. If such a calamity unfortunately befel us, what arrangement had we for mutual co-operation in defence of the common cause? If war was to break out, the Colonies were at this moment totally unprepared to assist us, and to come forward to fight side by side with us. He maintained that the present state of things ought not to be satisfactory to us, either as patriots or philanthropists. It was said that to bring about a closer relationship between Great Britain and the Colonies would be a work of great difficulty. No doubt it would; but what attempt had yet been made to surmount those difficulties? The statesmen of this country on both sides of the House seemed to be lukewarm. They were like the man who, with hands in his pockets and pipe in his mouth, was quietly smoking as he was hurried along the stream till he was hurled over Niagara. As a proof of the little interest this country took in the welfare of its Colonies, and in the bringing about of a closer intimacy, he would refer to the subject of waste lands. He found from a Return that in the year 1870 the United States disposed of 8,000,000 of acres of waste lands in that country, and in 1872 the number of acres was still larger. Vast areas were given away gratuitously to persons to cultivate, or to develop the country with railways, roadways, &c. He thought they might derive large benefits if they would take an example from the experience of the United States in regard to these waste lands. They made them an Imperial question, and did not leave the matter entirely to the Colonies themselves, as we did. The United States found it pay to give certain lands away to industrious men, because they became good citizens, and contributed largely to the taxes of the country. Then he came to the important subject of emigration. As far as the House of Commons and the public were aware, no efforts had been made during the last 12 months to stem or turn the tide of emigration which flowed from this country to the United States instead of to our own Colonies. In 1853, the proportion of Scotch and English who emigrated was 31 per cent; and in 1863, the proportion was 40 per cent; and in 1872, it was 66 per cent. But the increase was more remarkable when they took Englishmen alone. In 1853, the number of Englishmen who emigrated was 63,000; while in 1872, it was 118,000, the lamentable fact being that most of these did not proceed to our own Colonies, but to the United States. The number of Englishmen who emigrated to the United States last year was 82,000; Scotchmen, 13,000; Irishmen, 63,000. He would ask, was it a small matter that England should be sending out of the Empire hundreds of thousands of her best men? Such a state of things was viewed very differently by France and Germany. Why, in one of these countries an emigration agent had been silenced and not allowed to lecture; while in the other an emigration agent had been sent out of the country altogether. He calculated the loss of the men who emigrated from this country at £500 per head; and in addition to losing that sum he calculated we lost £20,000,000 a-year, which would otherwise have been contributed to the taxes and wealth of the country. If they had a statesman-like policy and judicious management in connection with the Colonies, these things might be prevented, and the stream of money and men largely directed into our own Colonies, instead of the United States. At all events, let them make an effort to retain some of these emigrants within the folds of the Empire. He regretted to think that in spite of all that had been said on this subject we were still without a policy on the colonial question. If a few years ago attention had been seriously given to the matter, how different might have been the position of the English Colonies at this moment to what they were. He had been very much surprised to learn, and he had no doubt the House would be surprised to hear, that less than one-third of the citizens of the United States were native-born—that was to say, that more than two-thirds were either born out of the United States, or were children of parents born out of the United States. The hon. Gentleman next proceeded to quote extracts to show that the indifference with which England was viewing the breaking up of her colonial Empire was causing serious thought and anxiety in the minds of the best and most thoughtful people. It was by some said that separation was inevitable. That he denied, and characterized it as a disloyal and heretical doctrine. It was the destiny of England to populate the great globe, and she must retain her Colonies, because to separate from them would be to deprive herself of much strength. Then, why not endeavour to bring about a closer intimacy? The Colonies wanted men; England had got the men in abundance. The Colonies wanted money; England had plenty. There was scarcely anything which the Colonies wanted with which this country could not supply them. Some people said —"Oh! the Colonies are insular." But that was no more a drawback than was the insular character of the Western Highlands of Scotland. He believed that any Ministry that was to openly avow itself in favour of the separation of the Colonies would not be in power six months. Now, various plans had been suggested for bringing about a closer relationship between the Colonies and the Mother Country, but he would only just mention one. It was for the formation of a kind of Imperial Council. Take first the British Ministry—that consisted of 15 members. Its functions he would divide into two parts—one being for domestic matters connected with the British Isles, and the other Imperial. With these there might be associated four Representatives from Canada, three from Australia, two from the African Colonies, one from the West Indies, and one from the Eastern Colonies; making a total of 26 altogether, including the English Cabinet. Then there might be added six more to represent British India, making an Imperial Council of 32. This body could, when secrecy was requisite, meet with all the secrecy of the present Cabinet, and would guide the general policy of the Empire, negotiate treaties, fix the armaments, and declare war or peace. The hon. Member concluded by moving for the Committee.

MR. D. DALRYMPLE, in seconding the Motion, said, he would not follow the hon. Gentleman who had just spoken in the discursive range which he had taken, but would confine his remarks to the question of Canada alone. Hon. Gentlemen had omitted to touch that most important subject, the Canadian fisheries. He (Mr. Dalrymple) trusted that they would be made the subject of particular inquiry by that House; and if no more competent Member could be found to introduce the question of the Canadian fisheries to the House, he would undertake to do so. His great desire was, that by the development of the resources of our Colonies, and especially of those of the Dominion of Canada, we should link that great and important country more closely to our own. He had heard with great pain the expression that the guarantee of £2,500,000 had been used as a bribe to obtain the consent of the Canadian Legislature to the Treaty of Washington. He regretted it, because it was an untrue representation of the fact; because it was an insult to Canada, and no less an insult to ourselves. Last night the Secretary of State for War was very eager to assure the Committee that there was not a single British soldier in Canada. He regretted that was the case. Thinking of the important position of Quebec, with its deserted bastions and empty barracks, he wished to ask whether it was the intention of the Government to evacuate Halifax also, and whether that grand military and naval position was to pass out of our hands, and, if so, who was to get it? How was such a proceeding to be prevented? By developing the resources of Canada. Would that be possible and profitable? He answered both questions in the affirmative. It might be made an exceedingly profitable proceeding to develop that vast region of mineral and agricultural wealth extending to the Rocky Mountains which Canada possessed, and which was more fertile than any in the United States to the east of the 19th parallel. There was nearly one-third, if not more, of the vast territory of the United States which was far from being attractive to the farmer and the emigrant. Besides the development of the agriculture and trade of the Colony, a more important object would be gained by the opening up of a new, a nearer, a quicker, and a more certain route to the great markets of the East, China, and Japan. The Pacific Railway, towards which we were now giving Canada our guarantee to the extent of £2,500,000, would give a shorter route by 600 miles than its rival the San Francisco route. It would take eight or ten years, and probably as many millions of money, to carry it out; but there would be no difficulty in obtaining the latter by giving Canada a guarantee, which she richly deserved, and which would enable her to go into the market and borrow the money at 4 per cent, instead of having to pay 5 and 5½ per cent for it. He knew that the term "guarantee" was not a favourite one in that House; but Canada had always loyally and faithfully fulfilled her financial engagements to this country. The effect of such a measure would be to link Canada to this country by new ties of loyalty. Regarding this subject, however, from a Canadian point of view, and not from the federal or representative aspect of it, he seconded the Motion of his hon. Friend.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to consider the relations that subsist between the United Kingdom and the Colonies, particularly as they affect the direction which emigration takes and the occupation of waste lands within the Empire,"—(*Mr. Macfie,*)

—instead thereof.

VISCOUNT BURY said, that if the hon. Member for Leith (Mr. Macfie) had pursued the same line of argument as the Seconder of his Motion, he should not have felt it necessary to oppose the appointment of the Committee—although he did not see, if it were granted, how it would forward the views of the hon. Member for Bath (Mr. D. Dalrymple), and which he shared with him. The fisheries was a question that would be discussed in "another place" in a totally different manner from what it could be considered in a Committee; and with regard to the land part of the question, it was one on which the future of Canada depended, and was not within our consideration at all, nor had it been for the last 40 years. The waste lands of Canada were as completely under the government of Canada as were the Crown lands of this country under the Advisers of the Crown. The subject could not be inquired into before a Committee. They might, therefore, dismiss from their consideration the whole argument relating to emigration and waste lands. He must, then, consider the speech of the hon. Member for Leith on its merits. He objected to the hon. Member for Leith being considered as an authority on the question. The hon. Gentleman had not been properly accredited to us, and he did not speak with the authority of the Colonies he represented. The hon. Gentleman was an active member of the Colonial Society; but he (Viscount Bury) had it in charge from the authorities of that Society to say that they dissociated themselves from the views of his hon. Friend. They did not think the course he took was a good one, or that it would be conducive to a better understanding between this country and the Colonies. A short time ago the hon. Member for Leith summoned a meeting at the office of the Colonial Society. Invitations were addressed to some hundred or more of its members, but only 14 responded to his appeal, and of that 14 not one would endorse any of the proposals he had brought forward, but all begged him not at this time to press the Motion of which he had given Notice. Among those present was the Agent General of South Australia, Mr. Dutton, who said he was not aware of the existence of any grievance in that Colony, and if there were any, it would not be left to England to point out that the Colony did not require federation, neither had they any desire or idea of separating from Great Britain. They were perfectly satisfied with their position. Almost all the speakers held the same language. He objected to this Motion on another ground—it was an old friend with a new face. For some years his hon. Friend the Member for Leith had made a very able speech on the subject of delegates from the Colonies to confer with the Colonial Office—to form a sort of Colonial Council, very much like the old Indian Council; but he found that view did not find much favour in the House, and therefore, on this occasion, he had mixed it up with the subject of emigration. But the two subjects were entirely distinct. The hon. Gentleman's instances of colonial grievances were old ones. He had quoted passages written in 1866, when the policy of taking away our troops was being for the first time vigorously carried out, and was bearing hardly on New Zealand, then in financial embarrassments; but it had passed away. The troops had been removed, and the grievance, such as it was, had passed away. True, we might be going from bad to worse. We might be, as the hon. Member described it, smoking our pipe with our eyes shut, and slipping down over the Falls of Niagara; but, supposing it were so, the proposed Committee would not alter our position, or enable us to avoid Niagara. All colonizing nations—Spain, Portugal, Holland—founded their colonization on trade monopoly, and interference with local government, and this was also the case with our original North American Colonies. This policy resulted in failure, and but for our providentially having new fields for the development of a new system we should now be denuded of Colonies. The new system was based on mutual interest and the influence of a common language and religion, a tie the very elasticity and slightness of which constituted its strength. To be constantly probing what the hon. Gentleman wrongly deemed a wound, to be constantly investigating the strength of the claim and raking up grievances, would be the very way to lose our Colonies. It was true that the stream of emigration was to a great extent directed to the United States; but the principal Colonies had agents in this country, whose business it was to hold out inducements for immigrants, and to call attention to the advantages of their respective territories. A Committee could not do more than this, and he believed the agents would deprecate its appointment as a hindrance rather than a help. Our trade with our Colonies was much larger in proportion to the population than that with the United States or France, consisting chiefly in the importation of raw materials and the exportation of manufactured goods, while it was carried on mainly by British shipping. This would continue to be the case as long as the connection remained, for the Cape, Natal, Ceylon, Java, Dutch Guiana and Surinam, Lower Canada, Nova Scotia, New Brunswick, and the West India Islands, Colonies which had all changed their allegiance, proved that trade always followed the flag. Their present trade was entirely or nearly entirely with the country with which they were at present connected. The connection between the Colonies and the Mother Country was mutually profitable, and a Committee would throw no new light on the matter. Under the circumstances, he hoped the hon. Member for Leith would not press his Motion to a division.

MR. W. JOHNSTON said, that whatever might be the result of the Motion, it was satisfactory to know that the House did not grudge some of its valuable time to the discussion of so important a subject as emigration and the welfare of our Colonies. It was, however, to be regretted that they were often spoken of as aliens from the Mother Country rather than as members of one great Empire. On the other hand, it must have been gratifying to Canada to find that the Under Secretary of the Colonies so warmly expressed himself during the Recess in indicating on the part of the Government their firm determination to maintain the British Empire in its integrity and uphold the British flag. Great benefits would result from the appointment of Lord Dufferin as Governor General of Canada. Having recently visited that great Dominion, he could speak, from personal intercourse with many of its inhabitants, of their close attachment to the British Empire, and of their determination, under all circumstances, boldly to maintain their connection with it. The superficial area of Canada was greater than that of the United States, and was almost as great as the Continent of Europe, extending as it did to 3,500,000 square miles. Yet it contained a population of only 4,000,000, while it was, according to the most reliable calculations, capable of sustaining a population of 140,000,000. He could not, therefore, but regret that the stream of population should be diverted from the Dominion to a foreign, and not always friendly, State. We could not, of course, compel our fellow-countrymen to emigrate to British soil and still live under the British flag, however gratifying it would be to us if they would always do so; but at least every inducement might be held out to immigrants to remain under the Red Cross of St. George rather than emigrate to the country of the Stars and Stripes. He might mention that inducements were offered in Canada to emigrants to remain in the Dominion, and especially to industrious artizans in the province of Ontario. That province contained 121,260 square miles—about the superficial area of Great Britain and Ireland. Its population in 1871 was only 2,136,308, while it was capable of sustaining 10,000,000 souls. The climate of Canada was as healthy and beneficial as that of any country on the face of the globe. True its winters were severe, and its summers rather warmer than ours; but a race of more healthy men or handsomer women than the Canadians was not to be found. He regretted to hear the hon. Member who introduced the Motion (Mr. Macfie) allude in somewhat disparaging terms to the loan guaranteed to Canada on account of the Treaty of

Washington. What were the views expressed by Sir John A. Macdonald, Prime Minister of the Dominion, in the debate on the Treaty in May, 1872. He said—

> "Besides the double advantage to ourselves in getting the endorsement of England, without disadvantage to the English people, there is to be considered the great, the enormous benefit that accrues to Canada from this open avowal on the part of England of the interest she takes in the success of our great public enterprises. No one can now say . . . . that she has any idea of separating herself from us, and giving up the Colonies. . . . . It will put a finish at once to the hopes of all dreamers or speculators who desire or believe in the alienation and separation of the Colonies from the Mother Country."

He (Mr. Johnston) had travelled thousands of miles through the Dominion during last summer, and among the tens of thousands of people he met with, he did not find one annexationist. They always regarded with interest whatever was done by the statesmen at home with a view of more closely uniting the bonds that bound Canada to England. There was an extreme desire on the part of the Canadians to have more frequent intercourse between the leading men in England and the Colony. The visits of His Royal Highness the Prince of Wales and other Royal Princes to Canada had aided very beneficially in promoting a good feeling between the two countries, and he believed that if the Sovereign Lady who ruled the Empire would cross the Atlantic and visit her loyal subjects in Canada, it would tend still further to deepen their attachment to the Throne. He could not vote for the appointment of the Committee.

Mr. SINCLAIR AYTOUN said, if the Motion had been confined simply to the appointment of a Committee to consider the political relations between this country and the Colonies, he could not have supported it; because he believed that such an inquiry at present would not be productive of beneficial results, but would be premature. The Motion, however, asked for a Committee to consider the subject of emigration and the occupation of waste lands, and so far he considered it deserving of support. They could not shut their eyes to the fact that for the last 20 years emigration had been directed from these islands to the United States, which might have been diverted—or, at all events, a considerable proportion of it, had proper inducements been held out—to our own Colonies. He was strongly of opinion that some legitimate means to that end might be devised without the imposition of any considerable burdens on the people of this country. When such Powers were growing up in the world as Russia in Europe and the United States in America, compared with which all other Powers would be as dwarfs to giants, this question became one of serious importance. Without entertaining the slightest animosity, but, on the contrary, the most perfect goodwill towards the United States, he maintained that the object we in this country ought steadfastly to keep in view was to increase the power and population of our own dependencies, whether or not those dependencies should become at some distant period independent nations, rather than allow their surplus population to go and swell the strength of the great Transatlantic Republic. The figures quoted by the noble Lord (Viscount Bury) showed that our own colonists took a far greater proportion of our manufactures than did the people of any country in Europe, or than the United States, and the degree to which they would do so depended, of course, upon the extent of their population; and this consideration alone ought to induce us to consider whether means might not be used to cause emigration to flow in the direction of our own Colonies. What was the conduct of the Government in this matter? If they laid down the rule, as universal in its application, that to expend the public money in promoting such an object was contrary to the principles of free trade, he could understand their argument, and admit there was some force in it; but they sent out expeditions, and established expensive military stations, in order to find markets for British goods. In Japan we maintained from 1864 to 1870 a force of more than 1,000 seamen and marines. The expense of British troops could not be less than £100 per head, in addition to which was the enormous expense of transporting the troops that were sent to distant places; so that we were spending above £100,000 for those we had in Japan, though Japan only took about £1,500,000 in the matter of our exports. He could scarcely reconcile that fact in the argument of the Government on this question. It was said that there was too much emigration already; that it caused wages to rise, and that it was desirable nothing should be done to cause a greater increase of wages. He would not have them increase. All he desired was to see emigration flowing in one direction instead of another. If a man went to America, it cost him only £5 for his passage, if to Australia, £15. He therefore went to the former country, in many cases simply because it cost him less to go there. Assist that man to go to Australia, and the difficulty would be met, and in that manner the tide of emigration would be diverted, with advantage to this country. There was another aspect of emigration to which he thought attention ought to be paid—he meant the great preponderance of male over female emigrants. There was in this country an excess of females over males to something like the number of 600,000. This was due, no doubt, to natural causes; but it was aggravated by the much larger number of men who emigrated than of women. On the other hand, in those lands to which they emigrated there existed a much larger disproportion of men to women. He thought that a matter which deserved very grave attention. He trusted that on those grounds the Government would think it right to grant the Committee which was asked for.

SIR CHARLES ADDERLEY said, that as the House of Commons was a practical Assembly he did not see what would be the use of continuing a debate of this character, and he hoped that the Under Secretary of State for the Colonies might be allowed at once to draw a graceful curtain upon what was really becoming merely an annual sentimental exercitation. If there was any advantage whatever that the debate should take place, in order that it might draw expressions of attachment to the Colonies, and if the performance was of any practical service, the House would no doubt be quite willing to allow the hon. Gentleman to pay his compliments to the Colonies once per annum. For his own part, he did not think there was a single Member of the House who was not as anxious to maintain our connection with the Colonies as the Colonies were undoubtedly anxious to maintain intimate relationship with this country. The feeling of loyalty and attachment to the Crown on the part of all the Colonies never had been stronger than it was now, though it was not a whit stronger than the affection of the Mother Country towards the Colonies. We were attached to them not only by material interest, but by every possible sort of tie, national, domestic, political, economical, and commercial, and the relationship was as close and as vigorous now as it could be. He accounted for that satisfactory state of things to our having gradually fallen back upon our old colonial policy—the policy that the colonists should take upon themselves all the functions of citizenship which we assumed at home. That was, he believed, the only healthy relation. We had ceased from the absurd attempt to manage their affairs, and to keep them leaning upon us in a relation of dependency, merely for the sake of maintaining a connection through their weakness; and as a consequence of having allowed them to defend their own hearths, and manage their own affairs, not only their spirit, moral character, and prosperity, but their feeling of loyal attachment towards the Mother Country had greatly increased. Their peaceful relations with their neighbours also dated from their acceptance of full responsibility, and their actual strength was for the first time drawn out. When the hon. Member for Bath (Mr. D. Dalrymple) deplored the withdrawal of English troops from the Colonies, and said we were stripping Canada of troops, the hon. Gentleman betrayed his real depreciation of colonists as not being British subjects equally with ourselves. He seemed utterly unconscious that colonial troops were none the less British troops, and that for every home soldier withdrawn from Canada there were 100 Canadian soldiers drawn out, who might be considered as much British troops as those withdrawn. The withdrawals had therefore only increased the strength of the Imperial Army garrisoning every part of the Empire. When he said that this was purely a sentimental debate—a mere debating society exercitation, he maintained that the Motion of the hon. Member for Leith led to nothing which could be properly called a proposition in any practical sense whatever. The nearest thing to a proposition the hon. Member offered—namely, that there should be a Council consisting of Representatives of all the

Colonies, who should hold the position of a Congress over the whole Empire—was one which every Member of the House must regard as being as chimerical as the restoration of the Heptarchy. That would mean, if anything, a Congress deciding peace or war, deciding great commercial questions; in fact, overriding the debates of the British Parliament on all matters that were Imperial. To say nothing of the absurdity of imagining Representatives from world-wide Colonies discussing each other's relations, the submission by this House of its control of the English purse to men coming from other Legislatures taxing our colonial fellow-subjects independently, and not taxed by us, would be a sufficiently impossible supposition. The proposition of the hon. Member was so fanciful that it was almost an insult to the sense of the House to occupy time in discussing whether a Committee should be appointed to inquire into it. Then there was another apparent proposition—namely, that the colonial waste lands should be resumed. The Crown had not given up the control of the Crown lands in any part of the Empire. The waste lands were as much Crown lands still as they had ever been; but the Parliament which dealt with the disposal of the money arising from the sale of these lands was the Parliament belonging to the Colony in which the sale took place. That was all that had been conceded, and most properly. The hon. Gentleman complained that so many English emigrants went to the United States; but he (Sir Charles Adderley) would like to know how any Committee of that House could suggest any mode of preventing that. Could anything that that House could do alter the greater attractions of the United States as compared with Canada? A number of the emigrants who went to Canada passed on to the United States; but he supposed the hon. Gentleman would not only make them go to Canada, but tether them down when they arrived there. It was neither within the functions nor the power of the House of Commons to affect the attractions of one or another quarter of the world to emigrants. With regard to the State assisting emigration, he believed that whatever this House might be foolish enough to grant in the way of assisting emigration would be just so much diminution of the actual practicable funds available for emigration, whether supplied voluntarily from this country or sent home by families who had emigrated, to their relations and friends in this country. The sum remitted by persons who had emigrated amounted to £1,000,000 per annum, and that was a far greater sum than the hon. Member would venture to propose to give by way of aid to emigration.

Mr. MACFIE said, he had not contemplated the application of any Government fund to emigration.

Sir CHARLES ADDERLEY said, that nothing had been suggested for the consideration of the Committee but shadowy hints at possible propositions of the most chimerical character, and he hoped that the House would not debate the Motion further, much less consent to impose its consideration on a Committee.

Mr. KNATCHBULL-HUGESSEN said, that we lived in the age of Select Committees. The House had recently agreed to appoint Committees on the Estimates, the Sale of Stores, and the Coal Supply; and, considering that so many able Members of the House had consented to serve on those Committees, he must object to refer the subject of our colonial government to a fourth Select Committee. The hon. Member for Leith (Mr. Macfie) always treated this subject with such an earnest and honest persistency that he felt a sort of friendly desire, almost bordering on anxiety, that his hon. Friend might one day propose a Resolution to which, on behalf of the Government, he could agree. The present Resolution could not, however, be classed in that category. Select Committees should be only appointed under one of two conditions, or both combined—first, that a Committee might be able to afford some information, not otherwise accessible to the House, in a convenient form; and, secondly, that there should be some chance that their deliberations would lead to some practical result. Both these conditions were wanting in the present case. The House was already in possession of the fullest information, partly owing to the hon. Member himself, who had for two years initiated a debate in which it had been his duty to describe in detail our colonial relations, and to explain the policy of the Government. As to any practical result, if the Committee sat from now to Doomsday they could arrive at none, unless the House was prepared to do what it could do without a Committee—namely, reverse the policy of the present and past Governments for many years, and recall or limit the powers of self-government in our larger Colonies, thus provoking a conflict of which none living would perhaps see the end. He would ask his hon. Friend, for instance, to consider the question of waste lands. With the exception of Western Australia and Natal, there was no large Colony to which Parliament had not given up the management and control of its own waste lands. These Colonies might safely be trusted with the management of their own affairs, and any attempt to resume such powers would only lead to confusion. Was there any indisposition on the part of the Colonies to receive our emigrants? The answer must be in the negative. He agreed with his hon. Friend in the desire to see every English emigrant inhabiting some English Colony; but, if that were not the state of things at the present moment, it was not to be imputed to any defects in our colonial arrangements, but to the perversity of Englishmen, who insisted on going where they were likely to be most prosperous. If they preferred the United States to Canada, no statesman on either side of the House would propose an Act to restrain free Englishmen from going where they pleased. He did not suppose that his hon. Friend wished to send to our Colonies, against their will, emigrants of the pauper class. That would be a step by no means likely to improve our relations with our Colonies. He could only mean that it was desirable that able-bodied emigrants of the class who were likely to thrive and prosper should be directed to the Colonies. Agents were, however, appointed by the larger Colonies to give every information to intending emigrants, and to afford facilities to those who were anxious to obtain passages. All that could be done to attract the emigrants they desired to receive was done by the Colonies. Only that day he had read a letter from the Canadian agent containing supplementary information in regard to emigration, and stating that additionally favourable terms were to be granted, as Canada was greatly in want of emigrants. The Colony of New Zealand had also reduced the passage-money from £16 or £15 to £5, thus showing that the Colonies themselves were making strenuous and well-directed attempts to promote emigration to their shores. As time advanced, and as the Colonies required population for their waste lands, those efforts would naturally be continued. It was quite obvious that any action on the part of the Home Government was of very doubtful policy. It would check free emigration, and he did not believe that, unless under exceptional circumstances, Parliament would be prepared to vote public money for the purpose of enabling people to obtain employment in the Colonies, which would be a step towards using the public money in order to give employment to persons in this country. Such a proposal would open large questions which might be looming in the future, but into which he would not enter on the present occasion. His hon. Friend had told the House that if what he called a bloody war were to break out, there would be no soldiers ready to defend our Colonies, while in almost the same breath he complained of maintaining the large establishments at St. Helena, Gibraltar, and Malta. The policy lately pursued of withdrawing troops—a policy pursued by Conservative as well as Liberal Governments, and the reversal of which had never been attempted by the former when in Office—had never been intended to weaken the ties existing between the Colonies and the Mother Country, nor to show any diminution on our part of regard for the Colonies; but the question was, whether in the case of a great insular Power like Great Britain, the concentration of troops in particular depôts would not in the long run prove most beneficial to the Colonies themselves, besides augmenting the general strength of the Empire. Considering that this was the third year in which he had had to speak on this subject on the Motion of his hon. Friend, he should not now address the House at unreasonable length; but he felt bound to add his testimony to that of his noble Friend the Member for Berwick (Viscount Bury), and to say that he could not accept the hon. Member for Leith as an accredited agent of the Colonies in regard to this matter. Not wishing to show his hon. Friend any disrespect, he would refrain from reading extracts either from the colonial Press or from certain private letters he had seen. If he was to read them, he was afraid his hon. Friend would think he did not evince that respect which he was anxious to show him. Indeed, the language he had heard and read on the subject of this annual Motion was of such a character, that his natural feeling of politeness towards his hon. Friend induced him to forbear from quoting it. The colonists said in effect that they were well able to manage their own affairs, and that if they had a grievance they had representative institutions and a responsible Government which could investigate it, and if necessary bring it under the notice of the Home Government. Further, the colonists said they had never found in individual cases, a lack of Members of the House of Commons who would take up grievances which the responsible local Government had failed to redress. Such being the case, they did not approve this annual disturbance of the relations existing between them and us; nor could they perceive that any alteration in those relations was necessary. He thought the Colonial question could take care of itself, and, therefore, he deprecated this annual Motion, which was not only useless, but might become positively mischievous. No doubt the hon. Gentleman had received letters complaining of this or that grievance. In the great Colonies we possess, with a free Press and people allowed to say what they pleased, it would be strange indeed if an hon. Member who proposed any colonial crotchet should fail to have a few correspondents to support him. But the general evidence before him showed conclusively that the hon. Member for Leith would have exercised a more mature discretion if he had listened to the members of the Colonial Institute, and had refrained from bringing forward his Motion. In contrasting our position with that of the United States, the hon. Gentleman seemed to forget that we were a great insular Power with Colonies in different parts of the globe, and that consequently it was impossible for public men here to know all the ins and outs of waste lands in distant parts of the Empire; whereas in America, which was one great continent, the state of affairs was altogether different. His hon. Friend had referred to the colonial agents under the somewhat disrespectful terms "Tom, Dick, and Harry." No doubt the agents, who were able and valuable men, would be very glad to give his hon. Friend any information he might desire in order to facilitate his emigration, and though, for his own part, he hoped the House of Commons would not lose so valuable a Member, he should himself feel bound to forward his views in that respect as far as might lie in his power. He thanked his hon. Friend for the care with which he had read his (Mr. Knatchbull-Hugessen's) speech of last year; but he was only sorry that it did not make a greater impression upon him. He would entreat him to study it again and compare it with the general tone of the colonial Press, and if the hon. Gentleman applied his mind to the arguments which he had then, and now in this debate again, used, he thought he would come to sounder conclusions upon the subject. The hon. Gentleman spoke of federation. He (Mr. Knatchbull-Hugessen) had never been able to find a man yet who could define exactly what it meant, for they all desired the union to be close between the Mother Country and her Colonies; and no one had spoken more frequently and earnestly than he had done upon that subject as to the opinions which he held of the great value of our Colonial Empire, and which he believed to be the opinions of Her Majesty's Government. The hon. Gentleman alluded to the expressions of the leading journal in a certain article, and he could only say that he had read with the greatest regret those expressions, which gave the greatest pain to Canadians and to Englishmen also. He was bound to state with respect to any severance of the ties between England and Canada, that on the part both of Englishmen and Canadians there was not only not a desire for, but a shrinking from the idea of any such severance, and that this feeling was shared by Her Majesty's Ministers. Two schemes had been proposed to the House. One was, that the Colonies should have Representatives in that House, and the other that there should be a Colonial Council. He had always thought that the former was the preferable of the two; but there were very great objections even to it. The distance of the Colonies from this country was one objection; another was, that whilst we managed our own affairs at home, we had given the Colonies a similar power for their affairs, and under the proposed scheme there would be the anomaly of colonial Representatives voting upon our internal affairs, whilst we had nothing to do with theirs. But the remedy would be still more difficult—namely, to have Members sitting there without possessing the full power which their brother Members had. Another objection was, that the House of Commons would either get the best men of the Colonies and thus rob their local Parliaments of them, or else they would obtain inferior men, which would be satisfactory neither to the Colonies nor to the House. But the Council proposed by the hon. Gentleman would be quite unworkable. If 15 English statesmen sitting on that Treasury Bench to manage the affairs of the nation, and finding they had plenty to absorb their time and attention, were to have added to them 15 other gentlemen from various parts of the Empire, all intent upon their own affairs, he would feel inclined to exclaim "God help the united Cabinet." The ultimate determination of peace or war, or of any great Imperial question, the English people would never be satisfied to let pass out of the hands of their own Representatives, and the 15 colonial Members would be placed in an entirely false position. As the subject of the Canadian Loan would come before the House later in the Session, he would not anticipate the discussion now, but would confine himself to the expression of a hope and belief that the House would vote it cheerfully and gladly. The people of Canada entertained the warmest feeling towards the Mother Country, and this was reciprocated in the hearts of the British people. Indeed, there was no better feeling between the inhabitants of the different counties in England than existed between the great body of the English people and their loyal Canadian brethren. He quite appreciated the motive of his hon. Friend in bringing forward this Motion; but believing that it would produce no practical result; that it might give rise, as far as emigration was concerned, to hopes which would end in disappointment; and that it was, moreover, not wise to enter upon sentimental debates, he should, on the part of Her Majesty's Government, give to the proposal a respectful but decided opposition.

SIR ROBERT TORRENS wished to make a few thoroughly practical remarks on this proposition, which had been characterized as a sentimental and non-practical one. In consequence of the Geneva Award, it had been settled that coals were henceforth to be deemed contraband of war, and that if a belligerent vessel coaled in a neutral port, the neutral Power should be responsible for all damage thereafter inflicted by such vessel. These two alterations in the law would greatly alter the position of this country in the event of war, and they supplied strong reasons for re-considering the policy of withdrawing all military aid from the Colonies. He could best illustrate this by stating an actual case. King George's Sound commanded the Southern Ocean. Coals being now necessary for propelling all vessels of war, any ship making for Australia or the Southern Ocean, whether she came by the Cape route, or from the Red Sea *viâ* Ceylon, or the Mauritius, would arrive off Cape Leewin with coals exhausted after at least a fortnight's steaming to that point, and must put into King George's Sound for a fresh supply. The place might, at a small expense, be rendered as impregnable as Aden; but we had not a single gun there, and, as he believed, not a single artilleryman. The whole population did not exceed 100 souls, most of them convicts. They could offer no resistance to an invading or intruding force, and probably would not do so even if they could. Under the Geneva Award we were absolutely responsible unless we took reasonable precautions to protect the many thousand tons of coals stored at this place by the Peninsular and Oriental Company; for, if we allowed them to be taken possession of by a belligerent Power, we might have to pay compensation for the amount of injury which they enabled that belligerent Power to commit. Upon these grounds he thought the hon. Member for Leith (Mr. Macfie) was fully justified in bringing the case before the consideration of the House, although he must add that he did not think that a Committee of that House was the best means of disposing of the question which had been raised.

MR. R. N. FOWLER said, he was of opinion that anyone who took an interest in the Colonies must recognise the very great exertions which his hon.

Friend (Mr. Macfie) had made in order to promote those interests and to strengthen the good feeling and the good understanding which prevailed between England and her Colonies. But he would venture to submit to his hon. Friend that the course which he had taken was not calculated to promote the cause which he had in view. He could not but think that there would be great difficulty in finding Members especially qualified to sit on such Committee, and he was inclined to think that the House would not find any good result from such appointment. He would therefore entreat his hon. Friend not to take up the time of the House by dividing, especially as a division would be no accurate test of the feelings of hon. Members.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—ARMY ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

(1.) Original Question [Feb. 27] again proposed,

> "That a number of Land Forces, not exceeding 128,968, be maintained for the service of the United Kingdom of Great Britain and Ireland, and for Depôts for the training of Recruits for service at Home and Abroad, including Her Majesty's Indian Possessions, from the 1st day of April 1873 to the 31st day of March 1874, inclusive."

Whereupon Question again proposed,

> "That a number of Land Forces, not exceeding 118,968, be maintained for the service of the United Kingdom of Great Britain and Ireland, and for Depôts for the training of Recruits for service at Home and Abroad, including Her Majesty's Indian Possessions, from the 1st day of April 1873 to the 31st day of March 1874, inclusive."—(*Mr. William Fowler.*)

SIR JOHN PAKINGTON said, he wished, with the permission of the Committee, before the question was disposed of, to address a few observations on the statement made by the Secretary of State for War the other night, when he made his annual Report on the military force for the coming year. The House was entertained each year with the discussion of two subjects which at first sight might appear to be somewhat different; the one was the amount of force which the Government thought necessary for the service of the country, and the other the mode of the administration of those forces, which was adopted by the Government and the Secretary of State. On the present occasion, without any intention to delay the Committee by any extended observations, he would, in the first instance, deal with the first of these subjects—the amount of force which Her Majesty's Government proposed for the service of the year. The hon. Member for Cambridge (Mr. W. Fowler) had proposed to reduce this force to the extent of 10,000 men. He had no hesitation in saying at once that he should record his vote in opposition to that Amendment of the hon. Member for Cambridge. At the same time he desired to express his regret that Her Majesty's Government had thought it their duty to reduce the forces for the year, though he was not quite sure he understood the proposal in reference to the Staff brigade depôt to be formed from the auxiliary forces.

MR. CARDWELL explained that the real number for the purpose of present comparison was 125,004, and not the increased number of 128,968, because the 3,964, were future men who, or a portion of whom, would become soldiers of the brigade depôt as the permanent Staff now employed upon the Militia were gradually absorbed. Therefore, they would not come into existence until there was a corresponding reduction, or a more than corresponding reduction in the permanent Staff of the Militia.

SIR JOHN PAKINGTON: I may speak of them as Militia to be gradually drafted into the Army.

MR. CARDWELL: And added to the Army as they are absorbed.

SIR JOHN PAKINGTON said, that this question of the amount of the force ought to be discussed without reference to party or political feeling. It was the clear duty of the Government of the day to provide a force sufficient for the requirements of the country, and no Minister would be justified in proposing any force that he honestly thought would be below the fair requirements of this great Empire, but, at the same time, they were not justified in exceeding those requirements by a single man. He therefore deprecated party, or what he might call popularity Motions on the subject. It was not very difficult, in the absence of any emergency, to estimate our military requirements. The hon. Member for Hackney (Mr. Holms) had taken the total amount of the Estimates, and, dividing that by the total number of men, had calculated the cost per man. Such a mode of calculation was obviously fallacious at any time, and especially at present, considering the way in which our force was armed, and many other matters. There was only one way of fairly testing the Estimates of different Governments in respect to the Army, and that was by judging of the number of men proposed for the Army. He wished to go back as far as 1866, the last year of the Government of Lord Russell, when the present Prime Minister was Chancellor of the Exchequer, and the present Chief Secretary for Ireland was Secretary of State for War. In 1866 the noble Marquess (the Marquess of Hartington) asked Parliament to grant, exclusive of the men serving in India, 138,117 men for the Army. He took for his comparison the number of our own British troops on the face of the Estimates. He did not remember that any objection was raised to that proposal as being in any degree excessive, or beyond what the fair requirements of the Empire demanded. Soon afterwards a change of Government occurred, and General Peel succeeded the noble Marquess at the War Office. On General Peel's retirement, he himself (Sir John Pakington) succeeded to that Department, and in 1868 it was his duty, as the then Secretary of State for War, to introduce the Army Estimates for the year. The number of men he proposed in 1868 was 136,650, or in round figures, about 1,500 men fewer than the noble Marquess opposite (the Marquess of Hartington) had proposed two years before. It was also in 1868 that the right hon. Gentleman now at the head of the Government made that tour in Lancashire which had not been forgotten, and very naturally desired to show why the late Ministry should go out and the present Ministry should go in; and here he must confess he had always regretted that the right hon. Gentleman, instead of resting his case on the broad difference of policy between the two contending parties, had charged the late Government with extravagance in expenditure. He himself had always warmly denied that accusation; and he thought the figures he was quoting showed that, so far as the Army was concerned, there was no justification for making it, the number of men which he proposed in 1868 being 1,500 fewer than had been proposed by the previous Government. However, the right hon. Gentleman opposite had thought proper to say so much about the extravagance of his opponents that when he again came into Office it was necessary that something should be done to fulfil the expectations he had raised. Now he desired to allude —and he hoped to do it in no offensive manner—to the administration of the present Secretary of State for War during the last four years, because it could not be denied that, for good or for harm, his administration had been most remarkable. That he was perfectly free to acknowledge. Let them look at that administration financially, and what would they find? He did not say in consequence of those Lancashire accusations, but immediately after them, in 1869, at one fell swoop, a reduction of 12,000 men was proposed. Again, when the Estimates of 1870 were laid before Parliament, away went 13,000 men more; and during those two years, under the administration of his right hon. Friend opposite, between 24,000 and 25,000 were struck off from the strength of the Army. Well, the year 1870 had not passed away before 20,000 of those men had to be put on again. [Mr. CARDWELL dissented.] His right hon. Friend shook his head, but the proposal of the Government in 1870 was to add 20,000 men to the Army, in round numbers; so that within about eighteen months from the change of Government 25,000 men were reduced, and 20,000 men were put back again; and in 1871 the Estimates of his right hon. Friend were within 2,000 men of the number he had himself proposed in 1868. There was an old saying—"Let bygones be bygones;" and he did not want to dwell on that subject unnecessarily; but he did say that to his mind those fluctuations, those sudden jumpings up and down, were unworthy and undignified. Successive Governments ought to arrive, as he believed they might arrive, at something like a clear understanding of what was the force required in ordinary peaceful times for the defence of this great Empire, and they ought to maintain that force. No Government of the day ought to allow itself to be dictated to by any quarter, or ought to think it was its interest to play those tricks with the strength of the Army. It would be his duty to vote against the Motion of the hon. Member for Cambridge (Mr. W. Fowler), for he had heard nothing like an argument to justify the reduction which that hon. Gentleman proposed. Indeed, he had not heard from the Secretary of State himself any good reason for the reduction of men which he now proposed. Why were these men to be reduced? Were they superfluous last year? If so, why was the House asked to vote them? If they were not superfluous last year, why were they superfluous now? He never had liked, and he did not like now, the policy of the present Government in bringing back so many troops from the colonies. One obvious consequence of it was, that in the ratio in which they reduced their forces in the colonies they increased it at home. Thus they had what seemed to be a very large force to meet the requirements of this country; and those who wished to reduce the Army took the number of men they saw quartered at home, and apparently without occupation for their time, as the basis of their arguments. He did wish that the present Government, and all Governments, would take a steadier line of policy, ascertain what amount of force we really required, and would then keep to it, whatever it might be. They ought not to be induced by the passing politics of the day to make those constant changes, knocking off thousands of men in one year and putting them on again the next year. He next wished to refer to the administration of the Army during the last two years. Within that time they had had four of the most remarkable changes that had occurred for a long period in that administration. They had had that great measure, as he admitted it to be, for good or for evil—abolishing the system of purchase:—next, the term of service in the Army had been shortened; thirdly, they had had that great withdrawal of troops from the colonies to which he had already adverted, and their concentration at home; and, lastly, came the Act for amalgamating our Auxiliary Forces with the Regular Army and establishing those depôt centres, which he was glad to hear from his right hon. Friend's statement the other night would in a short time be commenced, and which he hoped would be rapidly brought into active exercise. His right hon. Friend had pursued a bold policy, and if it proved successful, as for the sake of the country everyone must desire, he would be entitled to the honour of these changes. The most hazardous one of them was the abolition of purchase. He thought it from the first a very costly experiment, but if it succeeded, no one would have a right to complain of the cost. The anxiety and doubt, however, with which he originally viewed the measure had not yet been removed. He had been disappointed in not hearing his right hon. Friend explain the inevitable consequence of the change on our system of promotion and retirement. It might be premature to press for his decision as respected retirement, but it was clearly the right and duty of his side of the House to solicit explanations from time to time as to the manner in which the changes were being carried out, and he hoped to hear a statement as to promotions to the command of regiments. Much was said in the discussions on purchase, of "seniority tempered by selection," but the information within reach of the public had led him to suppose that seniority had decided appointments to higher posts and to the command of regiments, and that there had been little, if any, selection. The next great change was the short-service system. Now, it was not satisfactory to find desertions so prevalent as to excite general anxiety, and he would ask whether any measures were in contemplation to check the evil? He was not sanguine of the success of the short-service system, and he wished to know how it was to be reconciled with service in India? The Government had resolved to supply the Indian Army with seasoned soldiers, not with boys of 17. He thought the House did not fully understand from his right hon. Friend's answer on Monday night how the reliefs were to be regulated, and how the supply of soldiers of proper age was reconciled with the short-service system. Turning to the next great change, as to which he had not to adopt the same tone of objection, he felt sanguine that his right hon. Friend's scheme for the amalgamation of the forces at home and in depôt centres would prove the best adopted by any War Minister for many years. It would tend to make the troops much more effective, and he hoped that in time the "harmonious whole" anticipated by his right hon. Friend would be brought about, so that the Auxiliary Forces and the Regulars would work together on a more satisfactory footing. As to linked battalions, he was one of those who, in company with much more competent men, urged on his right hon. Friend the reduction of the number of regiments and the adoption of that plan. The change required an effort, but his right hon. Friend had done so many bold things that this could not be deemed beyond his powers. He wished to know whether his new plan was a fair substitute for the old system, and whether any serious difficulties were likely to arise in combining different regiments? He hoped that in any case the object in view would be persevered in. He had been glad to find that the apparent reduction in the Militia Vote, which seemed at first to imply a reduction of the Force, was the result of the transfer of two considerable items to another Vote. Nothing should induce his right hon. Friend to swerve from the resolution displayed throughout his administration of keeping up the Militia. Possibly, a similar explanation might account for the reduction of £40,000 in the Volunteer Vote, for he was sure the country would regret any falling off in the numerical strength or efficiency of this valuable Force. He had heard with satisfaction the right hon. Gentleman state the other evening that certain stoppages in the pay of the soldier were to be abolished, but the right hon. Gentleman went on to state that the soldier would consequently receive 1*s.* a-day clear. He was afraid there was some mistake with regard to the latter statement, and he wished to afford the right hon. Gentleman an opportunity of correcting a misapprehension which, if allowed to get abroad, would cause the soldier to believe that the promises of the Government were not being fulfilled, and that they were not dealing with him in good faith. He had that morning received an anonymous letter signed "A Soldier," which had been posted at Manchester, and which was evidently written by a person in humble life, in which it was pointed out that the soldier would still have to pay for his groceries, vegetables, barrack damages, and sheet washings, which would cost him altogether 4½*d.* a-day, leaving him only a clear pay of 7½*d.* a-day, instead of the shilling mentioned by the right hon. Gentleman. He should be glad if the right hon. Gentleman would set this matter right, in order to prevent a misunderstanding with regard to it. He would not trouble the Committee with any more observations, further than to say that above and before all he most earnestly hoped that, whatever Government might be in power, they would not yield to these periodical proposals to reduce the Army by 10,000 men or to raise it by 5,000 men, but would steadily adhere to that force, and that force only, which the requirements of this great country demanded.

CAPTAIN BEAUMONT said, he was not disposed to vote in favour of the Motion of the hon. Member for Cambridge in its present form, but he should have been prepared to support it had it proposed to pass men from the Regular Army into the Reserve, in accordance with the terms of a Motion he had brought forward about two years since. He objected to any Motion for a lump reduction of 10,000 men, and thought that even if the House of Commons considered a reduction necessary, it should be left to the War Office to decide upon the details. By pursuing the course he indicated, the services of the men would have been retained, while the Estimates might have been considerably reduced. He was glad to hear that the question of the soldier's pay had at length been dealt with in a manner which had met with the unqualified approval of both sides of the House. He suggested, however, that the soldier should be made to pay for his uniform as well as his under-clothing; a due allowance being, of course, given him for the purpose. Such a reform would encourage him to be more careful with his clothes than he was at present. He had also heard with satisfaction that the details of the Army re-organization scheme would be forthcoming in the course of next month. There were one or two omissions in the speech of the right hon. Gentleman. He was sorry, in the first place, that the right hon. Gentleman had not alluded to the question of the stagnation in promotion that now existed in the Ordnance Corps. In point of promotion the junior ranks of that branch of the service were worse off than before the recent promotion of first captains to majors, because the senior ranks were now so attractive that men could not be got to leave them. The proposal of the Government for the abolition of purchase was supported by himself and other hon. Members on the understanding that for the purchase system some scheme would be substituted which would provide for the efficiency of the service as regarded non-stagnation. Until the question of the stagnation of promotion had been grappled with, he could not look upon the abolition of purchase as a satisfactory settlement. He wished to call the attention of the Committee to the fact that although the Estimates had been reduced, the economy which had been effected had been the result of striking so many fighting men off the muster-roll, more than the result of increased efficiency, which was the proper source to look to for economy. He was also disappointed in not hearing from the right hon. Gentleman a statement as to the mode in which he proposed to deal with the question of promotion in the Army generally. With regard to the system of short service contemplated by the right hon. Gentleman the Secretary of State for War, he could only say that it differed very materially from the system advocated by the hon. Member for Hackney (Mr. Holms), with whom he was disposed to agree. The short service which the hon. Member for Hackney and himself approved was such a system as would pass men rapidly from the ranks into the Reserve. The present system of short service appeared to him to be wrong for two reasons—In the first place, we had under that system enlistment for the Regular Army, and at the same time enlistment for the Militia. A process which could hardly be conducive to efficiency. In the next place, six years' service gave a man a taste for military life and unfitted him for the duties of a civilian. If they accepted the principle of short service they must accept that which had been recognised here and on the Continent — namely, that in three years a man was made a soldier; and they must also recognise the fact that the remainder of his service must be passed in the Army Reserve to secure discipline and efficiency. The country did not care whether they were defended by the Regular Army or by the Reserve. He believed that if a system of three years service, together with sufficient pay in the Reserve were fairly tried, the War Department would get a sufficient number of men. He must congratulate the right hon. Gentleman upon the first step which he had taken towards decentralization, and he hoped the Government would go further in that direction, and establish complete localized Army corps.

MR. AUBERON HERBERT protested against the whole system on which our Army was founded. His right hon. Friend tried to do the best he could with that system; but the system in itself was radically wrong. It possessed only one good feature—it could not possibly last; and it had three great defects — it was expensive, it was immoral, and as a weapon of offence or defence, it was inefficient. As to its cost, he would say nothing. The naked figures at the foot of these Estimates spoke for themselves. But he would call attention to the second point. The number of desertions had already been matter for comment. His right hon. Friend reckoned that the number in 1871 was 4,553; and it had been said that this could hardly be the full number, as over 8,000 were advertised in *The Police Gazette*. He wished, however to show the ratio of increase during the last 10 years. It was true that in 1861 the number of desertions was as high as 21 per thousand; but in the intervening years it varied from 13 to a maximum of 18, till in 1871 it sprang up to 24 per thousand. In his opinion, this meant that at the present time the rate of wages was increasing, that better means of employment were afforded to the labouring classes, and that they were becoming more and more disinclined to accept the pitiful terms offered them for military service. It was well known that men who had fallen into misfortune took refuge under the system of compulsion of entering the Army, and the result showed itself in the number of desertions. Another point to which he wished to call the attention of the Committee was, that there was good ground for believing that the class from which our recruits were drawn was deteriorating, and that the men were not equal to those who formerly entered the Army. The statistics of 1871 showed an increasing proportion of young soldiers who had but shortly joined the service, and who were committed to military prisons. In 1868 the percentage of those who had only served two years and under in comparison with the whole number of soldiers admitted into military prisons was 27 per cent. In 1869 and 1870 the same percentage was shown, but in 1871 it leaped up to 43 per cent. These figures showed unmistakably that the class of men who had lately joined the Army was a deteriorating class. Then, what was the state of the whole Army as regards crime? The Report of 1871 stated that 9,310 sentences by court-martial had been passed, which was at the rate of 1 man in every 11, a state of things which the most sanguine admirers of our military system could not regard as satisfactory. In considering these figures it should be remembered that the punishments awarded by courts-martial were always severe, and that they did not include penalties for smaller breaches of military discipline. These smaller offences numbered 178,754, a percentage of 178 per cent; this number was perhaps less surprising than the number of punishments for serious offences, especially when it appeared that 886 of the latter were for periods of from 7 to 14 years' imprisonment. But besides this the Inspector General of Prisons had stated that the amount of crime would have been greater but for the fact that the bad characters, the habitual offenders against military law, had been discharged from the Army in 1870 and 1871. As many as 2,842 of these utterly bad characters were discharged in the year ending with April, 1871, and 1,174 were discharged in the following year. He would now tread upon somewhat more delicate ground, by showing the state of immorality in the Army. This immorality, he believed, formed another ground for suspecting the soundness of the system on which it was founded. Few would credit the fearful amount of venereal disease existing among the men; an average of no less than 112 admissions to hospital of syphilitic cases was reported per 1,000 men, and 12 per 1,000 of the more serious form of the disease.

Colonel STUART KNOX rose to Order. He wished to know whether those details were necessary?

The CHAIRMAN said, the hon. Gentleman was doing nothing contrary to the Rules of the House, and must be left to the exercise of his own discretion.

Colonel STUART KNOX: Or to common decency.

Mr. AUBERON HERBERT contended that it was urgently necessary to lay these statistics before the House and the country, and he had not the slightest intention of refraining from submitting them. They should have been studied long ago, and he was convinced when once the country became aware of the immorality produced by our present military system, no Government could hold its hand from reforming it. The 124 cases per 1,000, however, did not show the extent of the evil. The Reports of the various medical Inspectors asserted that this disease had been much reduced by the operation of certain Acts. One Inspector thought the disease had been reduced one-third by them, and the Inspector at Colchester reported that the great immunity from disease existing since 1868 was entirely attributable to those Acts. Prior to 1868 he reported 500 admissions per 1,000, and in 1870 only 178 per 1,000. So that large as were the admissions to hospital at present, they did not disclose more than a small part of the great immorality lurking in our military system. These were very unsavoury details, and quite as unpleasant to him as to any other hon. Member. Would the House and the country allow a system which could foster such immorality to continue? He wished to say distinctly, as he had said before, that the system on which the Army was based combined three great evils—it was an enormously expensive system; it was a grossly immoral system; and he ventured to add, that as a means of defence, it was altogether inefficient. Foreign critics might come over to this country, and under the influence of the urbanity and hospitality of the Minister for War pass some favourable criticism upon a few points connected with our Army; but he refused to believe any general of reputation on the Continent would pronounce our standing Army fit to oppose the citizen Army of a nation equally intelligent and as powerful as England in other respects; the system upon which we relied rendered it utterly impossible.

Sir WILFRID LAWSON said, that the discussion they had had that night was not a very lively one, nor was the subject of the last speech very pleasant, and he did not wonder that 24 hours ago there were found 33 Gentlemen from both sides of the House to vote that the debate should be given up. He ventured to think, however, that it was well that they had one more night's debate, because all would admit that it was most important to discuss thoroughly, freely, and fully not merely the details, but the policy on which those Estimates were founded. The Prime Minister very truly told the House that this Vote was connected with the policy of the Government; therefore the House of Commons was only doing its duty in giving that policy a calm investigation, because when once these men were voted there was virtually an end of any important discussion of the Estimates. The position in which the Committee found itself tonight was a very peculiar one. On the first day of the Session, in the Speech which the Queen delivered by the advice of her Ministers, Her Majesty informed Parliament that she had "the satisfaction of maintaining relations of friendship with foreign Powers throughout the world," and that was certainly a very satisfactory announcement. And yet, in that state of things, when we were at peace with all the world and well protected by a most powerful fleet, we were called on to provide for the defence of the country twice as many men as we thought sufficient before the Crimean War, and this at a time when we had withdrawn our troops from the colonies, and when we were living under a Government which came into office on the policy of retrenching the public expenditure. He freely admitted—though the admission might be damaging to his views—that there was no outcry in the country against the military expenditure of the Government. So much the Government might say for itself. It was not right, therefore, for the right hon. Gentleman, who spoke so ably that night in a rather thin House, to say that those who were advocating retrenchment were seeking a cheap popularity. The expenditure of the Government was not unpopular, and therefore it was all the more important that those who condemned it should lift up their voice. The right hon. Gentleman the Secretary of State for War, in his concluding remarks on bringing in the Estimates, said that in preparing the Estimates it was the most sincere desire of Her Majesty's Government to be as economical as was consistent with the efficiency of the service, and to see that the people of the country got the full value for their money. He also said that both in public and private life there were two things to go together—one was, that we should show by our conduct that we desired to live on terms of peace with our neighbour, and the other was that we should make other people equally desirous of living in peaceable relations with us. He (Sir Wilfrid Lawson) believed the right hon. Gentleman was carrying out economy and efficiency satisfactorily, but he doubted very much whether the right hon. Gentleman was taking the best way to bring about that peace which he desired. The right hon. Gentleman said that the way to procure peace was to keep up in this country 462,000 armed men. He must take leave to doubt that policy. His hon. and gallant Friend (Colonel Barttelot) who made such a good speech last night, as he always did, cheered him ironically, for the hon. and gallant Gentleman had said that the proper thing was to be prepared for war. No man knew modern history better than his hon. and gallant Friend. But let him look at France, at Austria, at Prussia—all of them nations which had devoted themselves to keeping up large standing armies and preparing for war, and the result was that within a few years they had been engaged in deadly conflict. The question now was, was there any necessity to keep enormous forces in this country? Lord Derby, speaking not long ago with that good sense which always characterised everything he said, observed that the first thing to be done when they talked about Army organization and efficiency, was to ascertain what they really wanted that Army to do. Now, he wanted to find that out from his right hon. Friend. He tried last year, and he could not. What did his right hon. Friend want this enormous number of men to do? We had given up the policy of assisting distressed nationalities — many of his hon. Friends thought wrongly — and of going abroad like knights-errant to defend the weak against the strong. We had given up the old policy, and now we merely wrote "meddling and muddling" despatches which generally made things rather worse than they were before. We did not want any troops to go and protect Turkey. We had had enough of that. When we wished to interfere now we called a few gentlemen round a green table, and got the thing settled; and he believed the new policy was better than the old. Before, we used to go to war first, and then make a Treaty. Now, we made a Treaty first, and thus avoided going to war. Neither did we want to redress the balance of power; for he was happy to say that the Government, to their everlasting credit, kept this country out of the great Continental War three years ago. The hon. Baronet the Member for Maidstone (Sir John Lubbock) had told an amusing story illustrative of that policy to his constituents. It was this—A man met his landlord one day and asked what the news was. "Oh," replied the landlord, not minding what he said, "the Dutch have taken Holland." "Well," said the farmer, "I reckon we shall have to put them out of that pretty quick." Now, that policy had been done away with, and instead of invading other countries, our only policy was to make peace. Our policy was, when war was over between other countries, to supply the starving population with food—a policy which would go further than anything else we could do to promote peace. His hon. Friend the Member for Hertfordshire (Mr. Brand) made a thundering speech last night, and said that we ought to be prepared, because the Central Asia question might be troublesome. But who cared about the Central Asia question? No one but a few writers in the Press. No Government would dare to go to war for such a matter, or any that did would be hurled from power by the people of this country. Therefore our Army must be kept up entirely for "defence, not defiance." The motto of our old standing Army might be "defiance," but that of the Volunteers was "defence." Another argument of his right hon. Friend was that this great force was kept up to get rid of panics, and he said that the age of panics was gone. He did not believe a word of it. What could reasonable measures do to stop panics? Panic was the child of unreason. We had heard before that the Militia would stop panics. Then we were told that the fortifications would put an end to panics, and then the Volunteers. But ever since we had no end of panics. That being the case, against whom were we providing those enormous military forces? Not against France—nobody was afraid of France now, and he would not insult the Committee by talking of it. Not against Prussia. Prussia, we knew, had no fleet to speak of, while we had an enormous fleet, and Prussia had quite enough on her hands in looking after France. If the Minister of War would get up and give his word that he knew as a Cabinet Minister that there were some intrigues going on, that some nation in some part of the world was plotting against our peace, then he would not vote with his hon. Friend the Member for Cambridge (Mr. W. Fowler). But if the right hon. Gentleman would not tell the Committee that, he would believe the words of Her Most Gracious Majesty, that we were, as she said, "maintaining relations of friendship with foreign Powers throughout the world." His right hon. Friend, on the 11th March, 1872, used these words—

> "If we were to maintain our influence among nations, perform our obligations, protect our colonies . . . . then this House and the people of this country must be of opinion that in the presence of enormous military Monarchies, an Army something on the scale of that which was proposed for this great country of England was not disproportionate or absurd."—[3 *Hansard*, ccix. 1832.]

There was the cloven foot. It would appear from that observation that the right hon. Gentleman wanted us to compete with the large military monarchies on the Continent. That would be a dangerous, if not a fatal, policy. What was the use of running this mad race with the Continental Powers in regard to armaments? The right hon. Gentleman the Leader of the Opposition, on the 26th of July, 1861, recommending an arrangement between England and France with regard to their national rivalry said—"What is the use of diplomacy, what is the use of Governments, what is the use of cordial understandings, if such things can take place?" These were wise words, and he wished the country had attended to them more at the time. But if his right hon. Friend wanted to compete with the military monarchies of the Continent, he had far too few men. He kept up force enough to irritate, not to overawe; to make us hated rather than feared; to make us suspected, not respected. Of course, he should be told invasion was possible, and he admitted it. But so was an earthquake. The Japanese Ambassadors who had lately visited us, remarked in a book they published that they wondered what all the inhabitants of London would do in their houses in the case of an earthquake. Perfect security was absolutely impossible in this world. They must be guided by probability in their movements. They were all liable to an attack every day of their lives; but they did not on that account go out to walk with chain armour round their bodies. He, for instance, might be assailed any day by a combination of infuriated licensed victuallers, and in the same way the hon. Member for Derby (Mr. M. T. Bass) might be set upon by some rabid teetotalers, nevertheless neither of them thought it necessary to take the precaution of going about fully armed. What was the use of spending year after year all these millions in getting up this enormous military machinery? By keeping up an enormous Army we were incurring certain evils to ward off problematical ones. But there was a higher view to take than that of expense. We robbed peace of half its blessings by resorting to those means of defence from remote apprehensions of war. Such a policy stimulated fresh and unhealthy excitement, and unfitted our people for the pursuits of peaceful industry. It appeared to him absolutely revolting that in 1873, when so much was said of religion and civilization, Europe should be filled with armed men who devoted all their best energies to manufacture machines for the destruction of the lives and property of their fellow-creatures. To indulge in such a course was worse than the actions of wild beasts. The wild beasts allowed their angry passions to rise, but those passions subsided. They did not, like mankind, spend their whole lives in preparing for slaughtering one another. This continued maintenance of large armaments which were forced up by a mad rivalry of other nations was the monster curse of Europe at this moment. Was it not a nobler course for us to set an example of peace and contentment to all the world? He asked his right hon. Friend, he asked the Government, was it absolutely necessary to enter on this senseless controversy and to continue it. We should engage in some more noble strife—we should aim not to be stronger, but better than other countries. Why should the beautiful lines quoted by the Chancellor of the Exchequer with reference to Her Most Gracious Majesty the Queen not be applied with equal truth to the country she governed?—

> "Her armour is her honest thought,
> And simple truth her shield."

And it would be so if they only adopted an honest, straightforward, manly policy. Mr. Cobden said, about 10 years ago—

> "There is a vacant niche in the Temple of Fame for the Ruler or Minister who shall be the first to grapple with this monster evil of the day."

He hoped that the Prime Minister would yet qualify himself to fill that niche. He thought that the right hon. Gentleman had the power of occupying that splendid position, and he was sure that he had the will and the ability to achieve it. To his Government belonged the honour of initiating the policy of international arbitration. Disarmament followed arbitration as certainly as night followed day. If the right hon. Gentleman the Prime Minister would but adopt this policy and carry it out to its completion, he would not only lighten the burdens of his own country, but he would do something towards fulfilling that prayer which we often put up for the giving to all nations of unity, peace, and concord.

MAJOR GENERAL SIR PERCY HERBERT said, he must remind the hon. Gentleman who sneered at the tone of this debate, that if he really desired to attain the object which he and his Friends had in view they should have taken a different course, and brought forward a Resolution calling on the Government to take back their Estimates and re-consider them. They could then have approached the subject free from matters of detail. Some uneasiness had been expressed in consequence of certain statements which fell from the right hon. Gentleman the Secretary of State for War, and he should be glad if they were explained. Soldiers of the Guards seemed to fear that they would be liable to some diminution of pay in consequence of their rations being stopped. He believed that was an error, although they would not gain so much as soldiers of the Line—the gain of the one being only one halfpenny per day, while the other gained three halfpence. With regard to the pay of men going on furlough, the amount they were entitled to was 8*d.* a-day in advance. The practice had been that the officer on his own responsibility advanced them the greater proportion of their pay, because it was impossible to subsist upon 8*d.;* and knowing their men, and wishing to be on good terms with them, they ran the risk of any loss that might occur from desertions, and made the advance. If the men deserted, the pay was stopped out of the pocket of the captain. By the arrangement now proposed by the right hon. Gentleman the Secretary of State for War the difference between the regular pay of the soldiers and the pay on furlough was only £6,000. He hoped the right hon. Gentleman would re-consider this arrangement, as it was not worth the discontent it would cause. There were many soldiers who were employed away from their regiments—orderlies and serjeants—who received their full pay. These men must have some allowances, and he hoped their case would receive liberal consideration. He hoped discretion would be used in applying the rule as to stopping the pay of men in hospital for certain disorders, or there would be danger of diseases being concealed, leading to serious consequences. As to branding the men with the letter "D", it should be understood that officers did not want to mark them for the purpose of retaining them in the service, but for the purpose of preventing their re-enlistment. Next, as to the number of recruits. Information on that point was incomplete without the standard, and he hoped the right hon. Gentleman would tell the Committee what the standard was. Another point to which he had to advert was, that of the examination of the men. He believed examination had been done away with two or three years ago, and men were allowed to come into the Army, many of whom—as he had been informed by Militia officers—were unfit for service in consequence of being unsound. The hon. Member for Hertfordshire (Mr. Brand) wished to abolish the Militia, in order to have a larger Reserve. Now, 100,000 thoroughly trained men in service were, of course, more valuable than 100,000 Militia men. But how were they to be obtained? The Militia should not be sacrificed for the sake of grasping at a Reserve, which took time to acquire. He had been amused at one remark which had fallen from the hon. Member for Hertfordshire, that, as far as economy went, he would vote for the Motion of the hon. Member for Cambridge (Mr. W. Fowler). As a matter of economy they could all vote for the reduction of the Army Estimates by half-a-million or by several millions. The only reason for voting the Estimates at all was to maintain the defence of the country. The reduction of 8,600 men this year, if followed up by the Amendment of the hon. Member for Cambridge would render a Reserve impossible; for how with successive reductions could a considerable number of men pass through the ranks, and form the Reserve? They should remember, also, what service this Army was called on to perform. They had, first of all, to furnish a supply of troops to India; there were always several battalions on the way backwards and forwards between the two countries, and they might at any moment be called upon to send 20 battalions to India. How were those 20 battalions to be got? How was the reduction proposed by the hon. Member for Cambridge to be carried out? Were the garrisons to be withdrawn? We had already withdrawn our troops from the colonies, excepting from those parts necessary for maintaining our naval supremacy. Did he want the garrisons to be withdrawn from Malta and Gibraltar? That might give him his 10,000 men. Or did he want the garrisons to be withdrawn from Halifax and Bermuda, which might give him 3,000 or 4,000 men; or from Hong-Kong, the Mauritius, and the Cape? If we withdrew the troops from Bermuda and Halifax, what men had we to defend our great colony of Canada? A great deal was to be said in favour of withdrawing our troops from an extended line, and the Canadian line was a very indefensible line; but from Bermuda and Halifax we could carry on war, and bind over the Americans to keep the peace to us and our possessions. The hon. Baronet (Sir Wilfrid Lawson), who seemed to think the defence of the country of no consequence, had paraded the large number of men under arms as calculated to lead to war; but what means did they afford us of aggressive war, and what possibility or probability was there of the Militia and Volunteers being sent abroad? An invasion was not very probable, though it was more probable than an eaathquake, and was a contingency against which we were bound to provide; and he would ask whether the Volunteers and Militia could be expected to make a stand alone against a large body of Regular troops? Had the hon. Baronet been asleep during the last two or three years? Had he not heard of the painful, sad, and distressing position of France when left to the resources of Volunteers and Militia—and were we to be in the same position? Were we not to have a small leaven of Regular Forces in the country? Considering the number of foreign stations to be held, surely the force was not excessive; he hoped, therefore, the Committee would not countenance any proposal to reduce it.

MR. CARDWELL: I do not see in his place my hon. Friend the Member for Carlisle (Sir Wilfrid Lawson), who made so interesting and agreeable a speech, or I should remind him that the conversation, near the close of which he found great fault with the largeness of the Army, began in the same good-tempered and kindly manner, by my right hon. Friend and predecessor criticizing the smallness of this year's Estimates. I hope, therefore, he will see that that hateful object in his eyes, the Minister for War, has adversaries to contend with both on the right and the left, and that it is not altogether his fault if he is not able to give entire satisfaction to everybody. My hon. Friend (Sir Wilfrid Lawson) said he was open to a bribe. If I would reveal to him a secret of the Government, and inform him that some foreign State was deeply meditating some extremely dangerous project, and that we therefore required an unusually excessive force, he promised me his vote against the Amendment of my hon. Friend the Member for Cambridge (Mr. W. Fowler). I am sorry to say that I must be content to forego the honour and pleasure of my hon. Friend's vote. I can give him no such information. I venture only to recommend these Estimates on the ground that they are just and moderate; that they are not in any sense excessive, when you consider the greatness of this country and the duties which it has to discharge; and that our desire is not only to live peaceably ourselves with everybody around us, but to maintain preparations so commensurate with our duties and position that others, respecting us, will be equally desirous of living peaceably with us. It is in that and in no other spirit that these Estimates have been framed. And, now, Sir, little remains for me but to answer the many questions put to me as briefly as I can, and then to turn to the Motion of my hon. Friend the Member for Cambridge. And, first, I will notice the friendly observations of the right hon. Member for Droitwich opposite (Sir John Pakington). He charged me in the most good-humoured manner possible with having brought in Estimates merely for the purpose of fulfilling pledges which some hon. Members of the Government had given with regard to economy—with turning off men one year from motives of popularity, and then immediately taking on the same men again. Now, there is this much foundation certainly for the charge, that we did begin with considerably reduced Estimates founded upon these considerations—that we thought it right to withdraw our forces from the colonies and concentrate them at home —a policy on which the right hon. Gentleman who has just sat down agrees with us, and differs from his right hon. Friend who sits beside him. Another was, that we immediately set to work to get up our Reserves; and, although we reduced the total number of forces for which the taxpayer paid, we had in this country when the German War broke out a far more considerable force, as I showed at the time, then we should have had had we rested upon the more costly proportions of 1868-9. But, then, my right hon. Friend says, we took back the same men. [Major General Sir PERCY HERBERT: You then took boys.] I beg to say there is no ground for the supposition of the right hon. and gallant Gentleman, and we were in a position to discharge the duties we had undertaken. Well, we certainly did increase our force —we were not unconscious of the circumstances of the time; but we did not take back the men we had parted with. We did not take back the two West Indian regiments. We did not take back the Canadian Rifles, whom we had assisted to maintain at the expense of this country for the defence of Canada. Nor did we take back the Cape Mounted Rifles, an excellent force, but not as competent as the Cape Mounted Police to discharge frontier duty. The truth is, what we did was to have a much larger number of batteries of Artillery, of companies of Engineers, of regiments of Cavalry, and of battalions of Infantry at home. They were attenuated regiments, because, having Reserves at home, it would have been an unwise policy not to have them attenuated. Then my right hon. Friend says he hopes we shall pursue a steadier line in future. I venture to assure him that so long as I have the honour to conduct the office in which I at present serve, I shall be guided by the same principles by which we have been guided hitherto—namely, of making our arrangements efficient as regards the service and the defence of the country, and at the same time as economical as we can with regard to the taxpayer. The right hon. Gentleman also asked me some questions, and I will speak first with regard to what has been said in reference to the new system of stoppages. I entirely agree that nothing could be more unfortunate than that there should be the slightest misunderstanding on the subject. Nothing could be more mischievous than to hold out by any careless expression, expectations which could not afterwards be realized. But I do think that the other evening I excluded the matter from all possibility of misapprehension, since I not only stated what the stoppage was to which I referred, but I also stated the precise amount—4½*d.*; and I used a phrase which had reference expressly to that 4½*d.*—namely, that the soldier was to receive a clear shilling. I did not mean a clear shilling out of everything he might be called upon to expend, whatever it might be. I was speaking of the 4½*d.*, and of that only, and I said that the Infantry, instead of receiving 10½*d.*, would now receive a clear shilling. I perceive there was an expectation in the minds of some persons that the grocery stoppage would be excluded also. Well, that is not a stoppage of the same nature as the stoppage for bread and meat rations. The bread and meat stoppage is universal through the Army, and is compulsory. The grocery stoppage is merely a matter of account within the regiment, with this exception—that at certain places the mess find it cheaper to obtain their groceries from the Control department, and in those special cases it is a matter of account with the War Office. Where that arrangement prevails there is the stoppage to which I refer of 1½*d.* a day for that special convenience. What I meant and said was that the soldier was to have a shilling a-day clear, that is, of the bread and meat ration of 4½*d.* Again, I find that some persons apprehend that in some particular cases an actual loss will accrue to the soldier from the new arrangement. That I negative. I can assure them that there is not the smallest intention of inflicting any loss whatever upon anyone by reason of the change in question. My right hon. Friend asked me what we were doing with regard to promotion and retirement. Well, with regard to retirement I have always said that I do not think it would be prudent or proper to introduce any new plan of retirement for the Line generally until the arrangements with respect to the purchase system had worked for a few years, or while the stimulus derived from the sale of commissions was going on, because to do so would give rise to vested interests and future claims which would be detrimental to the public interest. But this I will say with regard to promotion and retirement, that we have succeeded in solving a very difficult question as respects the Royal Artillery and Royal Engineers, which, as my right hon. Friend said the other evening he had bequeathed to me as a question of great importance and difficulty. My hon. Friend the Member for Durham (Captain Beaumont) complains of the stagnation of promotion in these corps. I have before me a list of the times at which the junior officers were promoted. What we aimed at was that the lieutenant-colonel should be promoted after 25 years. The junior lieutenant-colonel of the Royal Artillery was actually promoted after 24 years, the junior lieutenant-colonel of the Royal Engineers after 25 years and four months; the junior major of the Royal Artillery and the junior major of the Engineers each after 17½ years, while what we aimed at was 18 years. The junior captain of Royal Artillery was eight months in advance of the time—so far what my hon. Friend said was true, that officer's promotion being after 12 years and eight months; while that of the junior captain of the Royal Engineers was after 13 years and two months. So that we have kept very closely to that which we have set before us. Now, with regard to the mode in which selection has been carried on. Promotion has been by seniority tempered by selection. There has been an infusion of selection, but it has been principally by seniority, and those who remember what occurred in the debates will bear me out entirely when I say that the expectation held out has only been fulfilled by that result. I believe it has given general satisfaction in the Army, and that there is confidence in the Army in the mode of promotion which the new system has brought into operation, and I am sure that by it many old and deserving officers who have been frequently purchased over have derived the benefit, which they would not otherwise have derived, of receiving their legitimate promotion. I am asked whether the check to recruiting which occurred in the course of last year is due to short service. Now I hold in my hand the Report of the Inspector General of Recruiting, which deals with that subject on both sides, but he ends by quoting statistics which show that the number of recruits during the last two years has not been injuriously affected by enlistment for short service. With regard to service in India, it may be easily reconciled with short service. The arrangements made with the Indian Government contemplated that a man might be sent to India, provided that he has two full years to serve when he gets there. Under this arrangement fewer wives and children would be sent out; fewer invalids would come home; and a variety of considerations of this kind convinced the Indian Government that the arrangement was one to which they need not object, especially as, by the plan of double battalions, and by the introduction of system into the provision of reliefs for India, we expected to be able to comply with the declared wish of this House, in that recruits should not be sent to India until after they had been seasoned and prepared for service there. In this way we hope to reconcile the system of short service with a proper system of relief for India. Then I was asked whether we had gone far enough in the arrangements with regard to linked battalions—arrangements fully explained in the Report circulated yesterday morning. As I stated last year the closer the ties between those battalions can be drawn, the more I shall be gratified. But everybody knows—and I am sure the military men here present will feel it strongly in dealing with anything so sacred to the feelings of the Army as the existence of the regiment, it was our bounden duty to proceed with the greatest caution. This question was very carefully considered by the highest military authorities. It was with the entire sanction of his Royal Highness the Field Marshal Commanding-in-Chief, and of other eminent military men who took counsel with him upon the subject, that the arrangements contained in the Report which is on the Table were adopted. From the time when the new sub-lieutenants who have been appointed under the new system become the officers of the brigade, I think the union will be complete. But no doubt during the interval, as in all transitions, we must be content with an imperfect adaptation to the object. We have adopted what we believe to be the best and most practical means; and if the officers do not find the exact arrangements now made are the best for their convenience, but that the connection may advantageously be made a closer one, we shall be ready to meet their views. Then I was asked by the hon. Member for Cheltenham (Mr. H. B. Samuelson) whether we meant to include in the same system the two Militia regiments in the same brigade. Where both regiments belong to the same county, I shall be disposed to take the same course as in the Regular Army—that is to say, to appoint the junior officers not to the individual regiment, but to the brigade. In the case of regiments already existing there might be a difficulty, and I think we should not proceed differently from what we propose in the Army, unless we carry along with us the feelings of officers in the regiment. The next question put to me was, whether the reduction in the Militia Vote was to be regarded as evidence of an intention to diminish the numbers of the Militia, or whether it was due entirely to the transfer of considerable sums from one Vote to another. The main cause of the reduction is the latter. We thought that when the

Militia were to be brigaded with the Line, since the Transport service was to be performed by my right hon. Friend the Surveyor General, for the Militia as well as for the Line, there ought to be no separation between them, and that they ought to appear under the same heads. The only reduction, if it can be called a reduction, is this—we are engaged in making a great increase in the Militia and have not completed the whole of it. I therefore took the number given me by the Inspector General of the Auxiliary Forces as the largest to which he could expect to attain during the present year, and estimated the amount accordingly. The same remarks apply to the Volunteers. Allowances in lieu of forage and of lodging are transferred to Vote 10; and I expressed my belief the other evening, when I introduced the Estimates that, far from bringing about a permanent reduction, the little increased stringency in the regulations affecting the Volunteers would ultimately tend rather to increase than diminish the Volunteer Force. My noble Friend the Member for Essex (Lord Eustace Cecil) invited me to explain how it was that our numbers are still 4,000 above the number of the coming year, if we require 20,000 recruits to keep up our numbers, and only got 17,000 during the past year. The explanation is easy. I was speaking with reference to the number we shall require hereafter, when short service is in full operation, and we require the normal number. At present, as the Report shows, 17,000 leave us only 1,400 below the casualties of the year, and as we are effecting a considerable reduction in the establishment of 1873-4 as compared with that of 1872-3, we are still some 4,000 men in excess of the reduced Estimate. I have been invited to state my views with regard to the supply of horses, and I do so in a single sentence. If you want horses, pay for them. A Committee has been appointed on this subject in the other House. I hope their inquiry will be interesting and satisfactory, and it will give me great pleasure if they can point out a cheaper way of obtaining horses than that I have mentioned. But, as I am asked for my opinion, I give it for what it is worth—the cheapest mode of getting horses is to have nothing to do with them when you do not want them; and when you do want them, to go into the market and buy them as cheaply as you can. My hon. Friend the Member for Wenlock (Mr. A. Brown) urged me not to waste money upon the military defence of the colonies. But my hon. Friend was preaching to the converted. The essence of the retrenchment we have been able to make is, that we have resorted to the policy of concentration, and have given up the mischievous and losing system of dispersion of force, not because we have given up any duty we owe to the colonies, or are less careful to discharge our duty to our colonies, but because we desire to have, at the least cost to the country, the greatest amount of power with which to discharge all our duties, whatever they may be. My hon. Friend the Member for Hackney (Mr. Holms) made, as he always does, an able speech, but it contained some curious calculations. First, he pointed out the way in which expenditure had increased, and showed that the present Estimates were the most costly ever submitted to Parliament, and he supported that view by taking the gross amount and dividing it by the number of men, in order to show that the cost per man is greater than it has ever been before. I thought this a very odd criticism from an hon. Gentleman who was recommending us to take 10,000 men out of the Army, and put them into the Reserve, because with 10,000 fewer men the result would be to leave each remaining man still more costly than before. The system, of which my hon. Friend is so zealous an advocate, of maintaining numerous cadres to be filled from Reserves, is, upon this singular mode of calculation, not the most economical, but the most expensive of systems. Again, if you were all called upon to spend a great deal of money in any one year upon naval arsenals, upon arms for the Navy, or for any other object not directly connected with the Army, and in the same year resolved to economize upon the Army and to maintain a small number of men, the result of this ingenious mode of calculation must be to make the cost per man seem very great, and you might easily prove that the administration of the Army for that year was the most extravagant ever seen. The next matter is the allegation that desertions have for the two last years been going on at a rate quite disproportionate to former years. There is no doubt there has been a great deal of desertion during the last two years—more than during the same period previously. And why? Because you raised 30,000 men in eight months in 1870-1, and generally after you have raised an unusual number of recruits at an interval of one or two years, you have an unusual number of desertions; and if you go back to the last analogous period —that of the Indian Mutiny and the China War in 1861-2, when recruiting was also taking place on a large scale—you will find that they also were years of great desertion. But my hon. Friend's mode of calculation is entirely fallacious, as I showed at more length in the statement which I made the other evening. I have now endeavoured, to the best of my ability, to recollect and reply to the principal questions put to me in the course of this debate. [Major-General Sir PERCY HERBERT: Furlough.] I gave the only answer the other evening which it was in my power to give on this subject. It is certainly our intention to make everyone a gainer by the changes proposed, and to get rid of the practice of accounting for the rations altogether. I promised to consider the subject, but the right hon. and gallant Gentleman will not expect me to pledge myself to-night.

COLONEL BARTTELOT: The length of service in the colonies.

MR. CARDWELL: I am authorised by the Commander-in-Chief to state that in his opinion it is not desirable, for military reasons, to limit the period of service in distant colonies to so short a period as the hon. Gentleman opposite recommended for India. There is no reason to limit the period of service to that in India, but it is thought that about 10 years may be fixed upon as the limit.

MAJOR ARBUTHNOT: The pledges given in regard to the Artillery officers have not been carried out.

MR. CARDWELL: The hon. and gallant Gentleman must not expect me to take him on his own terms, and I cannot admit that I have departed from any pledges I have given. I have endeavoured to do my best for the Artillery and Engineer officers, and I referred to the Adjutant General of the Army the question of the organization of the Artillery. His Report has been laid on the Table. One of the proposals alters the organization so as to make the number of batteries in a brigade equal, and the Adjutant General reports upon that subject; but pending the inquiries which we understand are being made in India about the Artillery serving there, we have not thought it desirable to make changes at present in the general organization of the regiment.

MAJOR ARBUTHNOT asked, whether majors in the Artillery were to be placed in the same position as in the Line?

MR. CARDWELL: That is a question which the hon. and gallant Gentleman may discuss with the Government of India.

MAJOR ARBUTHNOT: But in England?

MR. CARDWELL: A major in England receives 14*s.* 6*d.* pay and 1*s.* 6*d.* in respect of command pay, and the hon. and gallant Gentleman's grievance is that it is not all paid in one lump. That I pass by for the moment. I now come to the Amendment before the House. The hon. Member for Cambridge (Mr. W. Fowler) says that the Estimates are too large, and that we had better reduce them by 10,000 men. He says his great object is to put an end to panics, and that there have been panics ever since 1802. I wish as much as he does to put an end to panics. He speaks of the number of men in the Army of this country in 1802. This is the first time I have ever heard the example of 1802 referred to as one that it is desirable to follow. He says we ought not to emulate Germany in the number of our forces. Most assuredly if we have made such an attempt, it is a very lame one, for we are asking for but 125,000 men. He says we ought to be conscious of our strength and power; but if we are to be conscious of our strength, it is necessary that strength should exist. But is it too much for this great country, and under present circumstances, for the Government to ask for 125,000 men of all ranks and arms of the service? The hon. Member says—Let us adhere to the numbers we considered sufficient in 1870-1 He reminds us that we proposed those Estimates, and said that those were ample numbers. Let me tell him how we propose to meet that argument. He takes no objection to the increase of Artillery over 1870, and I do not believe he would wish to diminish our present strength of Artillery. I do not think he would desire to reduce the Cavalry, or the small number of our Engineers, or the very moderate additions we have made to the departments of Control and the Army Hospital Corps. I now come to the Infantry, and I tell my hon. Friend I am prepared to stand by the numbers of 1870-71 — not the numbers in the aggregate, because there has been an increase in the Cavalry, the Artillery, and in the others of which I have just spoken, but to the number of the Infantry. In 1870-71 the British establishment of Infantry was 67,192, and there are in 1873-4 69,605 men. That is a small increase. But then I have to set off the West India diminution, the reduction in the colonial forces, and the Madras Force, which is in our Estimates and voted by us. With these reductions the comparison is slightly in favour of the present year, the number being in 1870-71 72,725, and in 1873-4 72,074. I hope I have now satisfied my hon. Friend that we stand on the ground of 1870-71, with only those exceptions which experience and necessity require us to adopt, which the House and the country went with us in adopting and maintaining, and which I venture to say the House would desire us still to maintain.

COLONEL STUART KNOX said, that he ventured to rise at the same time with the right hon. Gentleman, but he supposed the Secretary of State for War wished to shorten the discussion. The hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson), who made a most agreeable speech, objected to the only part of the plan which he (Colonel Stuart Knox) could support—that of preparation; but he must say he did not think that the argument of the hon. Baronet showed much consistency. He thought the hon. Member who once belonged to the 7th Hussars (Mr. A. Herbert) had made a speech which would not have been tolerated in the mess-room of his regiment. He wished to ask the right hon. Gentleman a question as to the position and status of sub-lieutenants in the Army. There was a feeling among them that they were not properly treated. They had been told that if they went to Sandhurst and remained with their regiments a year they would be appointed lieutenants. That promise had not been carried out. These gentlemen had also been compelled to pay 30*s*. for a stamp, but they did not hear on what the stamp was to be placed. He wished to know also whether they were qualified to sit on courts-martial? If these gentlemen were to sit on courts-martial, and were not commissioned officers, the prisoners brought before them could not be imprisoned according to the law of the land. He wished to ask whether sub-lieutenants were commissioned officers, and whether they could legally sit on courts-martial?

MR. CARDWELL: I believe there is no legal disqualification which prevents sub-lieutenants from sitting on courts-martial, but I fancy that practically there is always a great desire to select officers of some age and experience for that important duty. I will take this opportunity of stating, as the hon. and gallant Gentleman has alluded to the stamp, that at the present time every officer of the Army is required to pay for a stamp upon every new commission he receives; but it is now intended to give a gentleman, when he becomes permanently an officer, a commission which he may always retain, and to exempt him from the necessity of paying for fresh stamps.

COLONEL STUART KNOX said, an ensign up to this time was placed during the first six months, on every court-martial in his regiment, and afterwards took his turn of duty; and asked whether he understood rightly that he was not now supposed to be qualified even to learn his duty till after a long time had elapsed?

SIR HENRY STORKS: A sub-lieutenant is a commissioned officer. He joins his regiment, and is treated just as an officer always is treated when he joins his regiment for the first time. He is sent to drill, and goes as a supernumerary on courts-martial; and when he is considered by his commanding officer to be fit to sit as a member, he does so. At the end of 12 months, if he is reported on in favourable terms, he goes for a year to Sandhurst. On his return to his regiment he gets the commission of lieutenant, and the date of the commission depends upon how he has conducted himself during his first year, and during his second year at Sandhurst.

Question put.

The Committee *divided:* — Ayes 43; Noes 158: Majority 115.

Original Question put, and *agreed to.*

(2.) £5,072,500, Pay, Allowances, &c., of Land Forces.

Colonel BARTTELOT said, he wished to call attention to the item as to the sale of horses. He pointed out that the purchase of horses was put down last year at £38,000, while this year the sum had increased to £45,000; but the sale of horses last year had produced £33,160; and this year only £23,360. He could not understand these figures, seeing that horses had increased in value from 25 to 30 per cent.

Mr. MACFIE said, it was desirable that a gymnastic instructor should be sent round to various schools to teach gymnastic exercise, in order to prepare young men for the Army.

Sir HENRY STORKS stated, in reply to Colonel Barttelot, that, after the Autumn Manœuvres, all the horses which had been specially purchased, except a few which were selected to fill up casualties in the Army Service Corps, were sold by auction and brought an average price of £25 8*s.* 4*d.* each.

Major-General Sir PERCY HERBERT called attention to the drivers and gunners of Artillery. He asked the Secretary of State for War to reconsider his determination with regard to them, and not get get rid of good men who were trained soldiers.

Colonel STUART KNOX asked on what principle the pay and allowances of colonels of depôt centres had been settled? Many of them had held higher positions and pay than they would get under the present arrangements.

Mr. CARDWELL'S reply was not heard.

Vote *agreed to.*

(3.) £46,800, Divine Service.

(4.) £27,000, Administration of Military Law.

(5.) £247,400, Medical Establishments and Services.

(6.) Motion made, and Question proposed,

"That a sum, not exceeding £815,400, be granted to Her Majesty, to defray the Charge for Militia Pay and Allowances, which will come in course of payment from the 1st day of April 1873 to the 31st day of March 1874, inclusive."

Colonel WILSON-PATTEN asked the Secretary of State for War to take into consideration the altered position of the Militia surgeons, and also the Militia Staff sergeants, who would be affected by the recent changes that had taken place. He also called attention to the position of the quartermasters.

Sir JOHN PAKINGTON called attention to the complaint of the officers commanding Militia regiments with respect to their transference to the Line.

Mr. CARDWELL said, that arrangements with regard to Staff sergeants and quartermasters must grow with the new system; that the transfer of officers from the Militia to the Line must depend upon the number of vacancies, but it was estimated that from 120 to 130 commissions would be given this year; and that he was not prepared to commit himself to an increase in the number of subaltern officers in Militia regiments, being under the impression that the Government were now acting in a liberal spirit, and making a transition with as much fairness as possible. The appointment to commissions in the Line from the Militia would be with the commanding officer, but subject to confirmation by the general officer of the district.

Sir DAVID WEDDERBURN moved to reduce the Vote by £30,000, being the additional charge for men who may engage to serve in the Militia Reserve Force. This money was paid as a sort of extra bounty for about 30,000 men, who undertook no special service and received no extra training. Their present position was, that in case of special emergency, such as invasion, they were liable for service at home or abroad in connection with the Regular Army; but in the meanwhile no additional strength was acquired to the Army by the payment of this £30,000. He expressed his belief that so long as they maintained the Militia as a sort of competitor for recruits with the Army, they would fail to have an amalgamation of the various elements of their complicated system of defence, and that the Militia Reserve, as now constituted, tended to keep up that rivalry between the two branches of the service. He could not help thinking that the Secretary of State for War intended, when the First Class Reserve was completed, to dispense with the services of the Militia, and that in doing so he would act wisely. But in the meantime they might save that £30,000, without injuring the efficiency of the Militia. He begged, therefore, to move the reduction of the Vote by that sum.

Motion made, and Question proposed,

"That a sum, not exceeding £785,400, be granted to Her Majesty, to defray the Charge for Militia Pay and Allowances, which will come in course of payment from the 1st day of April 1873 to the 31st day of March 1874, inclusive."—(*Sir David Wedderburn.*)

Major-General Sir PERCY HERBERT wished, before the right hon. Gentleman rose, to ask a question respecting the medical examination of men admitted into the Reserve. He had been informed by a Militia officer that the examination was held for some time, but that afterwards orders were given for admissions into the Reserve without it; that the only way of accounting for this alteration was an anxiety to swell the list; and that in consequence men had been admitted who proved to be physically unfit for the service. Would the right hon. Gentleman state whether that had happened or not, and the cause of it?

Mr. CARDWELL said, that during the first or second year of his holding Office, he found great unwillingness on the part of the men to undergo a second examination, and also that there was no real necessity for a second examination. With regard to the Motion of the hon. Member for Ayrshire (Sir David Wedderburn), he had been himself exceedingly sceptical about the Militia Reserve; but, upon examination, and after consulting those who were most qualified to give an opinion, he had come to the conclusion that it would be desirable to maintain this Reserve. General M'Dougall, he might add, was also strongly in favour of maintaining this Force. He therefore thought it would be unwise to refuse that £30,000 which gave them so very valuable a body of men.

Question put.

The Committee *divided:*—Ayes 32; Noes 137: Majority 105.

Original Question put, and *agreed to.*

(7.) £78,900, Yeomanry Cavalry.

Mr. A. EGERTON called attention to the circumstance that some of the regiments had to pay for their own ranges, and added that £200 or £300 a-year would meet all the expense which it would be necessary to incur on that score. Some of the regiments had also to hire their own exercise ground. Most of them were allowed to assemble in some nobleman's or gentleman's park; but where that was not the case they had to engage a field for their exercise.

Mr. BARNETT pointed out that the staff sergeants of the Yeomanry Cavalry only received 2*s.* 3*d.* a-day, on which they were supposed to maintain themselves in a respectable position.

Vote *agreed to.*

(8.) £430,300, Volunteer Corps.

Mr. A. BROWN asked whether it was the fact that a Committee was sitting upon Volunteer clothing?

Mr. CARDWELL replied that no steps had been taken that would interfere with the Volunteer uniform. If Volunteer battalions desired that their uniform should be assimilated to that of the Regular troops with whom they were brigaded, their desire would be favourably entertained.

Colonel BARTTELOT thought it would be a great advantage if the sergeant instructors were allowed to engage in recruiting for the Militia.

Mr. CARDWELL said, the sergeant instructors and recruiting would both be under the command of the colonels.

Mr. WHEELHOUSE suggested that adjutants attached to Volunteer corps should receive a pension after a certain number of years' service.

Mr. RODEN thought that Volunteer officers should not be put to any expense out of their own pocket in acquiring the knowledge now required from them.

Mr. CARDWELL agreed that the Volunteers, who gave their services gratuitously, ought not to be called upon to pay any expense out of their own pockets, and it was for that reason that the recent increase in the Capitation Grant was made.

Vote *agreed to.*

(9.) £123,200, Army Reserve Force (including Enrolled Pensioners).

House *resumed.*

Resolutions to be reported upon *Monday* next;

Committee to sit again upon *Monday* next.

House adjourned at a quarter after
Twelve o'clock till
Monday next.

HOUSE OF LORDS,

Monday, 3rd March, 1873.

MINUTES.]—Public Bills—*First Reading*—Intestates Widows and Children * (33).

Second Reading—Bastardy Laws Amendment * (29); Epping Forest (19).

Committee—Polling Districts (Ireland) * (24-34).

TREATIES OF ARBITRATION.

MOTION FOR AN ADDRESS.

Lord CAMPBELL, in moving an Address to Her Majesty, said, the House will easily divine the object of this Motion. It is to place on record the opinion of your Lordships that a certain class of Treaties, with which late experience has made us painfully familiar, ought to be more effectually brought under the judgment of the Legislature. An Address from this House may not, indeed, suffice to bind the action of the Executive; but it would raise a standard around and under which the force of popular opinion would be able to control or modify that action. The deep impression which the loss of San Juan, the consequent exposure of Vancouver Island, the discussion on the Indirect Claims, the proceedings at Geneva, have produced in every circle of society, cannot be enhanced by anything which falls from Members of either House of Parliament. Argument and language would be miserably wasted on this part of the subject. So strong has been the general disquietude, as to lead to an opinion that all Treaties ought at first to be submitted to the Legislature as they are in Portugal, and possibly in other countries in which Monarchy subsists. In favour of that system strong considerations may suggest themselves which it is not my business to advance. I am willing to defer to the opinion of those who think that certain Treaties could not be subjected with advantage to preliminary argument. The Triple Alliance, so long associated with the name of Sir William Temple, aimed at immediate and decisive action on the counsels of Louis XIV. To retard its operation would not have been consistent with its purpose. The Quadruple Alliance which immortalized another member of the same gifted race—the late Lord Palmerston—had a double function. It was designed partly as a counter-weight to the great despotic powers, and partly as an instrument of finishing the civil wars in Spain and Portugal as rapidly as possible. Its latter function might, perhaps, have suffered by delay. Some Treaties of precaution, more or less disparaging to the good faith of Powers with which no war exists—such as that of April 15, 1856, by which France, Austria, and Great Britain united to defend Turkey against every possible attack—might not be convenient topics, at least, in every case of Parliamentary discussion. But I am ready to admit that, according to strict principle, some categories beyond that which refers to arbitration, ought to be included in the notice. Treaties by which cession of territory is brought about like that which lately separated the Ionian islands from Great Britain; Treaties which adjust long controverted boundaries like that of Lord Ashburton; Treaties of Commerce which affect our great industrial centres, might well be brought under the previous sanction of the Legislature. If the Address I ask your Lordships to adopt has passed them by, it is because in Parliamentary proceedings we are bound to take the course which gives the greatest chance of reaching unanimity, and noble Lords who are not yet convinced of the necessity of bringing all the categories I have mentioned before Parliament, would still be ready to admit, enlightened by the lessons of the moment, that such control is indispensable, for those which lead to arbitration. Besides, to address the Crown, although on the part of this House a constitutional and regular, is still so far a delicate proceeding that it ought not, perhaps, to go beyond the limits of the exigency which suggests it. Half the errors which disfigure statesmanship—if I may hazard an opinion upon anything so general—would be avoided, by only meeting the exact difficulty from which counsel has arisen. What the public absolutely wants is to guard itself against the errors and miscarriages of which the late negotiation with America was fertile. That such Treaties should be laid on the Table of the two Houses, a sufficient time before ratification to admit of their being examined and debated, may be an inadequate security. But can any better be devised? The question must, of course, turn at least to some extent on the late Treaty. But it is unnecessary to fatigue the House with an exact analysis of what has been so frequently submitted to it, and what no man whose mind has been employed upon these subjects can view without the feelings which it merits. It would not be easy to surpass, in moderation, justice, or lucidity, the arraignment which it drew from a noble Earl who once presided at the Foreign Office, on the first night of the Session. Still less would it be prudent to repeat, what so many of the House familiarly retain. The authors and the sponsors of the Treaty no longer venture to uphold it—take as an example the First Lord of the Treasury—except upon the ground that no better Treaty was attainable; as if at that time negotiation was essential; as if to break it off was absolutely fatal; as if some great calamity impended on the country to be averted by concessions the most shameless; as if the situation of the country had been that of France after the German War, or Prussia on the morrow of Jena. But the Treaty has been given up by other modes adopted to defend it. It has been defended on the plea that arbitrations were a novelty to be inaugurated now for the first time; on a second, equally fictitious, that war was the alternative of this humiliating instrument. It would not be respectful to the House to refute these childish allegations; but what inference do they suggest, except that the immediate authors of the Treaty are fully conscious of its weakness when to extenuate it they are forced to throw a veil over the history of the world, in which arbitrations have been frequent, and to invent a danger of which the correspondence between Lord Russell, Lord Clarendon, and Mr. Adams had long ago elicited the baselessness. To bring the errors of the Treaty fully into view, it would be necessary to advert to the composition of the Tribunal at Geneva; to the San Juan reference; to the manner in which defeat was actually ensured by the new Rules, and to the blow which public law received in the transaction. The last of these topics is the only one on which I desire to touch even for a moment. It is so important that with the permission of the House I shall read a few lines from a letter I published in the autumn on the subject, partly because it will thus be seen that my impressions have not been found to meet the exigency of debate; and partly because the terms may be less inexact than those which I should now deliver to your Lordships. The House will recollect that the characterising essence of the Treaty, that by which the arbitration was distinguished from any former arbitration, resided in the fact that the contracting Powers invented Rules to supersede the law of nations which would otherwise have governed the Tribunal. Since then it has been vauntingly announced that international proceedings in the future would be governed by the precedent. It therefore follows that—

> "The Treaty—in proportion to its influence—weakens and disparages the authority of public law, in any war which may arise, by leading the belligerents and neutrals to observe that should they be involved in future controversies springing out of it, another, new, and unforeseen canon will determine the conclusion. This consequence is brought home by easy illustration. From 1861 to 1865 the British Foreign Office was engaged in scrutinising public law with vigilance, in order to adhere to it with rigour. Their conduct as regards the rams, and as regards the *Alexandra*, is a sufficient proof of the assertion. Their respect for a blockade, of which the well-known consul, Mr. Bunch, had often proved the imperfection, may be suggested as another. Had it been foreseen that after the Civil War the questions which arose between Great Britain and the United States would be disposed of by another law—as yet unborn and incalculable—there would not have been a motive for examining Vattel and Wheaton, the authorities of Europe and America, unless to see from what departure was essential—and gain a sort of negative assistance in the sphere of illegality. So, likewise, in the recent war of Germany and France, if doomed to plead under new law against the charges the belligerents presented, the neutrals might as well have burnt their books as kept them open. But a belligerent may also be required to appear before a court of arbitration for his conduct to a neutral. The destruction of neutral property at the mouth of the Seine, or any other river, might raise a question for decision by this method. When the belligerent is in the dark as to the rules by which he will be judged, what rules will he adhere to, what gain will he forego, what passion will he sacrifice? Why should he not exult in that atmosphere of lawlessness with which the Treaty has surrounded him? The existing restraints of war may all have been transformed before his case is drawn up for the Tribunal. In future ages, therefore, if the Treaty is to govern them, belligerents and neutrals are both encouraged in a recklessness they could not previously have hazarded when the breach of public law involved a risk, and its observance, a security which now are seen to disappear."

My Lords, the blow to public law the Treaty has involved would seem to be the gravest of its errors, because it is a blow to all communities and ages, while other features only influence our country and our time. Without anticipating every possible objection to the course which I propose, I will proceed to answer some of the misgivings which may occur to those who have not yet considered it with accuracy. The first of these will very likely turn upon its efficacy. It may be urged that to lay Treaties on the Table is but a decent ceremonial; that in the recent Treaty the faith of the Crown was irrevocably pledged before ratification; that a noble and learned Lord explained that doctrine when the House was on the verge of a proceeding to control the Treaty; that the doctrine was accepted, and the proceeding stifled or relinquished by your Lordships. These facts, which occurred in the Session before last upon the Motion of Lord Russell, have not at all escaped me. The only answer is, that when Parliament had made up its mind to exercise a certain power over Treaties, sharp practice of the kind—and sharp practice it would be in that event—could hardly be resorted to by Governments. The objection that the Executive may still find a method of overruling Parliament and of defrauding the community, is one I cannot expect to hear to-night from those who form it at this moment. The misgiving some may have to the effect that Prerogative would suffer by bringing Treaties before Parliament with greater regularity, which, as it is, are brought before it stealthily and hastily, does not bear examination. The Prerogative, as vested in the Crown, of negotiating, of signing, and of ratifying Treaties, would be perfectly inviolate. Parliament would not be competent to give rise to any Treaty whatsoever. The noble Earl the Secretary of State must, at some time, have been familiar with the debate between Mirabeau and Barnave, in the French Assembly, soon after 1789, as to where the power of making Treaties should be vested. Mirabeau, on that point, the advocate of monarchy, contended that the power should be vested in the Sovereign. Barnave—the organ of the more popular idea—that it should be consigned to the Assembly. Mirabeau prevailed; the power resided in the Crown; but the veto of the legislative body was universally admitted—the initiative of the Crown and the veto of the legislative body were seen at once to be compatible. The Prerogative would only suffer if Treaties were allowed to emanate from any other origin. But it is just to go beyond that statement. When questions are irrevocably settled by negotiators at a blow, Sovereigns can have no voice in their conclusion. So long as they are forced to wait for Parliamentary adhesion, a salutary influence may often be exerted by a Sovereign, informed on foreign policy, and anxious for the honour of the country. By what goes on at present, Courts and Parliaments are simultaneously mocked. The last fear or scruple, it may be, perhaps, essential to remove, is connected with a view that flagrant innovation is demanded. Innovation as to detail there might be; but there would not, in point of fact, be any as to principle. The principle was long ago conceded. There is no class of Treaties which it is more critical and delicate to expose to Parliamentary discussion than those by which a war is ended. They give rise to passions the most various, and debates the most entangled. It may become necessary, with a view to justify the terms, to explain the decline of credit, the dissipation of resources, the misconduct of allies, the rottenness of vessels, and bring forward many other topics which prudence would avoid, and dignity, in some degree, recoil from. Much stronger argument may be advanced against Parliamentary revision of Treaties, which lead to peace, than of those which pave the way for arbitration. But on Treaties which conclude a war, since 1688, what has been the method usually adopted? As regards the first, that of Ryswick, the records are too scanty to determine. On that of Utrecht, which succeeds, materials are only too abundant. Lord Bolingbroke, its celebrated author, has left undying pages on the subject. Preliminary articles were brought before both Houses, and so important was it deemed to gain the concurrence of this House, that a dozen Peers were called into existence to secure it—this part of history can scarcely have escaped Her Majesty's Government. The Peace of 1748 does not appear to have been conducted in this manner. Complaints were made in Parliament about it. It was allowed to be the ignominious end of an unnecessary contest. The peace which followed the Seven Years' War, in 1761-2, was brought with every possible solemnity before the Houses of that period. Lord Chatham, at that time Mr. Pitt, who had resigned, left a sick bed on purpose to oppose it. He took that course, it may be well supposed, not to execute a medical injunction, or to raise his credit as an orator, but, in the midst of pain and risk, to induce the House of Commons, if he could, to reject the preliminary articles. The Peace of 1783, which closed the struggle with America, was no less formally submitted to the Legislature. Not only did debates occur—not only were they followed by divisions, but the Government of Lord Shelburne was outvoted, and another set of public men required to negotiate. The beginning of the century was marked by the Peace of Amiens. Preliminary articles were brought before the Houses, against which Mr. Windham took the opportunity of delivering a speech, with which his fame is, in a great degree, identified. The same process was repeated in 1814 and 1815. I am forced to hurry over it, that I may not exhaust the patience of the House. But the abilities of such men as Sir James Mackintosh and Mr. Horner were brought to bear on criticism of the Treaties before, not after they were sanctioned. In 1856, after the Crimean War, I readily admit that Parliament was not consulted in that method, but that circumstance can hardly be accepted as an argument against the present Motion. It merely indicates a tendency to overlook and to encroach on the authority which Parliament enjoyed down to 1815, and which your Lordships are invited to restore as regards the class of Treaties most in want of vigilant solicitude at present. My Lords, these statements are derived from the authentic record of our Parliamentary proceedings, and also from the lighter and more lucid page of a noble Earl upon the other side (Earl Stanhope) whose attachment to the muse of history has been a constant and productive one. But as so long a chain must have fatigued the House, it will be better for me to release them. There is one remark which ought, perhaps, to have been made sooner. I did, indeed, maintain that no Prerogative was called in question by this Motion, and that the influence of the Sovereign on foreign policy could not be curtailed by it. Such a view may be correct, but it is certainly inadequate. It ought to be impressed upon your Lordships that to make the title of the Sovereign a bar to the restraining influence of the Legislature upon Treaties is fraught with consequences if not perilous—for that would be too strong a word—at least injurious to Monarchy. Such an argument is an unmerited, impolitic, and blundering avowal, that Monarchy is under disadvantages from which in fact it is exempt. These are not the days to load that institution with reproaches which are alien to it and burdens which are not its own. This is not the moment to offer to Republican opinion a weapon very different from the superannuated tools it is accustomed to exhume, a weapon it would eagerly appropriate and actively employ, in the campaigns it is preparing. In France and Spain, together for the first time since the Middle Ages, monarchy is under an eclipse. The situation may be transitory, but so long as it endures adjacent thrones ought not to be gratuitously weakened. Above all, they ought not to be gratuitously weakened by those whom every tie of decency engages from the places which they fill not only to a loyal, but to a wise, a vigilant, and circumspect allegiance. Such a topic it is useless to develop. It may induce the noble Earl the Secretary of State to pause before he tells the masses out-of-doors that they must change their institutions if they wish to gain an adequate control over their honour. It would be better far if he allowed them to recover that which they desire by going back to the traditionary and ancient system which they ought to have inherited.

Moved, "That an humble Address be presented to Her Majesty, praying that all Treaties or Conventions by which disputed questions between Great Britain and a foreign power are referred to Arbitration, may be laid upon the Table of both Houses of Parliament six weeks before they are definitively ratified."—(*The Lord Campbell.*)

EARL GRANVILLE: My Lords, I feel some embarrassment in answering my noble Friend, in consequence of the line he has taken in the observations he has made. The noble Lord has told your Lordships that his Motion does not represent his own views on the subject, inasmuch as it ought to have stated what has been the constitutional practice in this country in regard to the control of Parliament in the case of Treaties and Conventions. The noble Lord has next made an eloquent attack on the Washington Treaty, and has stated that the attack made on it by Lord Derby has never been answered. Well, that is a matter of opinion; but I endeavoured to answer it myself, and I think it has been fully replied to by my noble and learned Friend on the Woolsack. Then, the noble Lord referred to a document which, I confess, is one of the utmost authority —because it is a letter which he himself wrote to the Press last year; and he referred to a speech made by my right hon. Friend the First Minister in the other House of Parliament, to show that in Mr. Gladstone's opinion the Treaty of Washington was concluded under the pressure of dire necessity. It appears to me, my Lords, that in Mr. Gladstone's speech there is no foundation for the statement of my noble Friend. As I understood him, Mr. Gladstone did not make any such admission as that the Treaty was concluded under the pressure of dire necessity. What Mr. Gladstone said was, that if one party had it all their own way they could make a different Treaty from the one they might have to make with the assistance of another party; because in the latter case they must make concessions and meet the other party half-way. My noble Friend tells us that what he proposes would not in any degree interfere with the acknowledged Prerogative of the Crown; but, if your Lordships desired it, I could readily quote authorities in refutation of this argument. Blackstone, Kent, Wheatstone, De Lolme, all concur in stating that this making of Treaties is one of the Prerogatives of the Crown. From the manner in which the Constitution has grown up, the Prerogative of the Crown and the authority of the Legislature are so nearly balanced that often it is almost impossible to draw a definite line between them; but in the case of Treaties, the line is clear, and I am sure your Lordships will agree that it is most important that a well-defined line should exist between the powers of the Executive and the Legislature, however the Executive may be controlled by the Legislature. In questions of war the greatest inconvenience might result if the negotiations were delayed pending the veto of Parliament on the terms of Treaties of Arbitration, where delay might not only lead to the break out of war which might otherwise have been timely stopped, or to a prolongation of suffering, and, perhaps to the loss of opportunities of settling the quarrel. I see no reason why wars should not be stopped by referring the matter in dispute to arbitration of a judicial character; but I think there can be no doubt that if all negotiations for Treaties had to be submitted to Parliament, the difficulties in these cases would be immeasurably increased. It so happens, however, that this Treaty, which has been so much condemned, was laid before both Houses of Parliament before it was ratified; and I doubt if anyone reflecting on the subject, will say that the criticisms made in Parliament on that Treaty did not act as an encouragement to the unfortunate setting up of those Indirect Claims which in the end we fortunately got rid of. I should like to know from my noble and learned Friend on the Woolsack whether those criticisms which emanated from some very eminent persons in Parliament, did not enable the Arbitrators to hold that the Rules were susceptible of a more elastic construction than the terms in which they were laid down would have seemed to imply? If the opinion of the noble Lord should be followed, and if both Houses of Parliament are to be parties to the provisions of every Treaty, the amount of work they would take upon themselves would be almost infinite; they must follow the negotiations and go into all the details. This must be done, I presume, by Committees of the respective Houses; and, as the two Committees might come to different conclusions, greater difficulties may arise from this system than any the noble Lord may foresee. The case of the United States has been frequently referred to, because there the Senate has absolute power over Treaties. But that is different. The Congress has no power of the sort; but the President, being irresponsible to any authority during his term of office, the Constitution has provided by means of the Senate a sort of secret Privy Council to control this irresponsible Executive. Still, my Lords, if I may venture to criticize the constitution of another country, I doubt if that is a very satisfactory arrangement. It would be much less so, I think, in European States, which by reason of their more intimate intercourse are more frequently obliged to enter into negotiations with one another. It is my belief that many

Earl Granville

of the best Treaties to which we are parties never would have been concluded if Parliament had interfered at every stage of the negotiations, instead of exercising that general control over the Executive with which it is now intrusted. Believing it would be impossible for Parliament to enter into all the details necessary for bringing to a successful conclusion the negotiations which must precede a Treaty, I feel it to be my duty to oppose the Motion of my noble Friend.

THE MARQUESS OF SALISBURY: My Lords, I rise to express a hope that my noble Friend (Lord Campbell) will not think it necessary to press his Motion to a Division. Though I agree with much that has been said by my noble Friend, yet, as this is a Motion which, if it does not propose that the Crown should part with its entire Prerogative in respect of Treaties, does propose a considerable modification of its exercise, the subject is one which should engage a considerable amount of attention, and if this House speaks on the question it should speak with no feeble and undecided voice. For this reason I hope my noble Friend will be of opinion that he has gained sufficient for the present in having elicited the expression of the noble Earl's opinion and in giving an impulse to discussion. I cannot admit, with the noble Earl, that there is no case for a change of practice. I do not understand my noble Friend to propose an alteration in the law. I do not understand him to propose an Act of Parliament to limit the Prerogatives of the Crown. What he proposes is that in respect of Treaties of a certain kind, it would be right that Ministers should give Parliament an informal opportunity of expressing its opinion on them before their ratification. The noble Earl (Earl Granville) told us that such an opportunity was given to both Houses in the case of the Washington Treaty. But what happened in that case? Why, when the Treaty came before this House we found that the Queen's honour was already pledged by the opening clause of the Treaty. That stood as a blank wall in front of us. I venture to say that if the Queen's honour had not been so pledged to the ratification of the Treaty, Earl Russell's Motion would have been carried. My Lords, I think the Washington Treaty has thrown much additional light on the difficulty in which Parliament is placed in respect to the Executive on such questions in consequence of the extraordinary negligence the Government showed in omitting to take the best advice it was in their power to obtain. It is an old proverb that the man who is his own lawyer has a fool for his client; and though one would not apply such a proverb to a Government, certainly our Government were in the position of having a client who was not over wise; they allowed the insertion of matters affecting our municipal laws without taking the opinion of their own Law Officers; and the consequence is that the Treaty from beginning to end is drawn up in "less accurate language." I think the noble Lord in bringing this matter forward has given expression to the feelings of all persons who pay attention to the foreign policy of this country. The people of this country have found themselves suddenly and unexpectedly in a state of helplessness. They are fined heavily because their own municipal laws did not contain certain provisions which it had never been thought wise by Parliament to enact. What is that but the exercise of a control over the Parliament, which makes the laws of this country? If we could believe that these decisions would not influence future action we might bear the prospect before us with more philosophy. The thing has passed; the money has to be paid; and we might banish the whole matter to the realms of history. But it is impossible to feel in that way about it. The Chancellor of the Exchequer in the other House, and my noble and learned Friend upon the Woolsack in this, have both distinctly stated that they do not consider any new obligation of International law would be imposed on us for the future by these decisions; and the Chancellor of the Exchequer relied strongly upon the opinion that Arbitrators could give decisions but could not make law, which was for Judges alone. With that opinion fresh in my mind, it was with regret that I heard the noble Earl opposite (Earl Granville) speak of these matters being decided by "a judicial arbitration." That is the last word I think he should have used, as it appears to give to Arbitrators the power which all Judges possess of tracing out for their successors the path which they shall pursue. Their decisions would have the force of Judge-made laws, and no one who has read the Papers can have any doubt that the legislation of this country must be materially modified, and our whole political system seriously changed, if the doctrines of these Arbitrators are to hold good. The noble and learned Lord upon the Woolsack said the other night that nothing should draw from him a word disrespectful to the Arbitrators in the Geneva Tribunal; neither would I. No doubt it is very unwise for the beaten party to speak disrespectfully of those who give the award; it looks as if the observations were the result of the decision; but, on the other hand, it is difficult to consider these questions without considering the character of the Arbitrators before whom they have to come. If Arbitrators are to have the power of laying down doctrines of law and of punishing those who appear before them, the Legislature ought to know what those powers are, and how far they are to extend, before they submit to them any questions touching the interests of the nation. In this case the power to select the Arbitrators was handed over to Governments which were without any particular obligation to select them in a manner to suit our system of municipal law; and they seem to have been chosen without any particular qualifications, except that they were absolutely unacquainted with the spirit of English law, and their one idea was that every nation should be punished whose system of law did not assimilate itself to the law of the countries to which they themselves belonged. The effect of their decision will not be lost on future Arbitrators. I remember pointing this out to a distinguished friend of mine; but he said—"You need not be afraid of arbitration. For years it will stink in the nostrils of the English people." I wish I could believe it; but I am afraid that, like competitive examinations and sewage irrigation, it is one of the favourite nostrums of the age. Like them, it will have its day, and will pass away, and future ages will look with pity and contempt on those who could have believed in such an expedient for bridling the ferocity of human passions. In the meantime it is a matter of great importance that Parliament should be informed who the Arbitrators are to be, before powers are entrusted to them which practically give them a jurisdiction over our municipal law, and enable them to tell us that unless we modify it we shall suffer in future whenever we have any controversy with any foreign Power. For these reasons I cannot think my noble Friend has done wrong in bringing this subject forward; on the contrary, he was quite right in doing so; but under the circumstances it would not, I think, be useful for him to press his Motion to a division.

THE LORD CHANCELLOR: My Lords, perhaps it is hardly necessary for me to say much on this occasion, as my noble Friend who has just sat down is not in favour of taking any Vote on the subject. But, inasmuch as he has apparently expressed an opinion in favour of the principle of the Motion, as one which he might at another opportunity be disposed to support, it may not be altogether useless for me to offer some reason why, if that opportunity should hereafter occur, your Lordships should decline to assent to such a proposition as that of the noble Lord (Lord Campbell). The noble Lord's proposition seems to be a general one, that in all cases of arbitration, Her Majesty should be asked by a vote of this House—of one branch of the Legislature—to limit her Prerogative, and impose on herself a rule never to ratify any Treaty of arbitration until for a definite time it has been laid before both Houses of Parliament. But if any particular negotiation were pending—and we know pretty well what is going on, for some time before it is settled—and it might appear to your Lordships important to receive information as to its nature and progress which the Government did not afford, your Lordships would always have the opportunity of addressing the Crown for that information, and would be able to exercise your judgment with regard to the circumstances of the particular case. For any practical purpose, therefore, it cannot be necessary, even if it were right, for your Lordships to ask the Crown by an Address to limit its Prerogative with respect to one particular class of Treaties. And I venture to think that if there be any particular description of Treaty more than another which it would be inexpedient to single out from the rest and subject to such a rule, it is the particular class of Treaties to which the noble Lord's Motion refers. I myself have never been one of the enthusiastic advocates of arbitration; and it was not until after the event, if I may so speak, that I was in favour of this particular Arbitration. As is well known, Lord Derby, with the general assent of the country, took a course which conceded the principle that there should be an arbitration in this case. The Ministers who succeeded him had merely to follow, according to their lights and their opportunities, a course which had then become in some shape or other inevitable. What are the objections to laying down such a rule as that now proposed as to every case of arbitration? One of those objections has been very clearly stated by my noble Friend the Secretary of State—namely, that inasmuch as you do not propose arbitration, except for reasons which make it convenient to run some risk, and perhaps to make some sacrifice, such a rule would throw difficulties in the way of the negotiations. Unless that consideration can be given to the views of both sides which is the effect and the object of negotiations conducted in the ordinary manner, no agreement can ever be arrived at. In a one-sided discussion in the Legislature of either country, it is pretty certain that every possible objection will be raised; and in many cases it may easily be supposed that that would frustrate the object of the whole negotiation. But assuming that such a discussion does not stop the Treaty, and that the negotiation still goes on, it is pretty sure to do one of two things. First of all, it may serve to put arguments into the mouth of your adversary, as was actually done by the discussions which occurred here on the very subject of this Arbitration. Arguments which had been used here were most eagerly laid hold of, and very ingeniously amplified, and may not improbably have been accepted, by the Arbitrators on the credit of the great names of those with whom they originated. That is one effect of such discussions. In this case who ever thought of objecting that the Arbitrators were persons to whom it would not be fit that the Arbitration should go? There may have been individual objections, but nothing more; and nothing came from that. As regards the San Juan case, nobody appeared to know much about it till the whole thing was over. As to the *Alabama* Claims, several things were not foreseen, though others were, which may have been suggested by the discussion to our adversary, such as the Indirect Claims, which might not have been brought forward if they had not been so suggested. I must say I was a little astonished and somewhat mystified by what my noble Friend who has just sat down (the Marquess of Salisbury) said as to this House not having had the desired opportunity of expressing its opinion on the subject of the Washington Treaty before its ratification. Both Houses had an opportunity of expressing their opinion. This House debated the question, and actually had a Motion brought before it in time to prevent the ratification. But, says the noble Marquess—repeating something very like what had once been said by a noble and learned Lord not now in his place—we were tied hand and foot in consequence of the introductory terms used in the Treaty, by which he said the Queen's honour was pledged. But those terms are in every Treaty, and form no peculiarity of this one. The Government had indeed sent out Commissioners to negotiate, and the Government who sent them out, and who had been informed of and approved their proceedings, could not consistently with their honour and credit have advised Her Majesty not to ratify the Treaty. But Parliament is able, if it disapproves what has been done, and if it withdraws its confidence from the Government, to address Her Majesty in such a manner that, when both Houses concur, the particular Administration which negotiated a treaty not yet ratified may be changed; and the honour of the country and the Crown is not pledged under those circumstances to ratify the Treaty. It is a doctrine altogether untenable to say that, because the word "Plenipotentiary" is used, and because a Treaty is negotiated under such circumstances and in such terms as that Treaty was, therefore its ratification cannot be refused. And if in any case such a doctrine would be untenable, it is especially so in the case of a Treaty with the United States, where, without the concurrence of the Senate, no Treaty can be concluded. This House, then, had as ample and complete an opportunity of expressing its opinion on that particular Treaty as ever it could have, in the case of any other Treaty, if the Motion of the noble Lord now before the House were adopted. I would point out the difficulty in which the country might be involved if any fixed rule were laid down that a Treaty could not be ratified without the concurrence of Parliament. It would be making Parliament a portion of the Treaty-making power; and that might happen which actually did happen last year, and for want of the concurrence, in due time, of Parliament, the whole Treaty might have been defeated. Your Lordships will recollect that the first attempt to get rid of the Indirect Claims took the form of a proposed Supplementary Article to the Treaty. That Supplementary Article could not become law between the two countries without the concurrence of the Senate of the United States. When the Supplementary Article went before the American Senate, they could not agree to our form of the Article, and we could not agree to it in the form to which the Senate altered it. It therefore fell altogether to the ground; and but for the conrse which unexpectedly to many was taken at Geneva, the whole of that Treaty would have fallen to the ground. Some may think the country would not in that case have suffered. I will not now enter into that question; but you cannot suppose that obstacles of this kind to the conclusion of Treaties affecting the peace and goodwill of two nations, might not sometimes create serious difficulty and produce much mischief. As it is, there is the double security that important Treaties cannot and will not be negotiated without sufficient information being from time to time in the possession of Parliament to enable it, if it thinks fit, in each particular case to intervene, and that, if at any time the Government should conclude treaties which Parliament disapproves, it can visit them with the condign punishment merited by a Government which betrays the interests and honour of the country. For these reasons I hope your Lordships will neither on this nor on any future occasion agree to the proposal of the noble Lord.

THE EARL OF MALMESBURY: My Lords, I concur generally in the remarks that have just been made by the noble and learned Lord on the Woolsack, and I cannot support the Motion of the noble Lord. No one more than myself objects to any invasion of the Royal Prerogative, which would certainly be invaded by the noble Lord's Motion in the sense in which I understood him to propose it. It is impossible, however, to shut our eyes to the effect of recent events on the feelings of the people. If the Prerogative of the Crown is to be maintained, it can only be done in its present form by its not being abused; and the general discontent and dissatisfaction in the country have arisen from the abuse of the Prerogative by Ministers in this case. What are the facts? Not only did no Member of either House guess in the slightest degree what Her Majesty's Ministers were about to do when they sent over their Commissioners to America, but I do not think anyone in society or out of Parliament had the slightest notion of what the consequence of the Treaty as it was finally drawn by the Commissioners would be. I am convinced that, had the country been aware of the terms of the Treaty and of the intention of the Government to give up the position originally held by us, Parliament would have done all in its power to prevent the Executive from making any further advance in that direction. That is the cause of the Motion and of the discontent which has arisen; and if the Prerogative of the Crown is ever interfered with, it will be because it was abused in this case, and because Her Majesty's Government took upon themselves more than any prudent Government would have done. I am sure that if the Government could have perceived the issue of the negotiations, not one of their Members would have crossed the Atlantic. I rose chiefly to remark on the statement of the noble and learned Lord on the Woolsack, that the Queen's honour was not pledged when this Treaty was made. My noble Friend (the Marquess of Salisbury) thinks it was pledged, and I agree with him. When I twice had the honour of holding the seals of the Foreign Office, I always held that on these occasions the honour of the Crown was pledged; and if the contrary doctrine is held, see how careless it may make a Minister in carrying on negotiations. I cannot, indeed, conceive a more dangerous doctrine. Notwithstanding what has passed, I do not concur in the desire to infringe on the Prerogative of the Crown in these matters; but, inasmuch as Her Majesty's Government were bold even to audacity in embarking on such a sea of troubles without giving Parliament the slightest hint of what they were about, we want every security possible to be increased and not diminished for inducing Ministers to be careful, and more than careful, in such matters.

EARL GRANVILLE wished to remind the noble Earl opposite, who had charged the Government with abusing the Prerogative in giving nobody in or out of Parliament an idea of what was going on at Washington until it was too late, that the Instructions to the Commissioners were presented to both Houses at a very early date, and that, notwithstanding the strong pressure of the American Government, he took on himself the responsibility of deferring the ratification of the Treaty, in order to give their Lordships an opportunity of discussing it on Lord Russell's Motion.

THE EARL OF LAUDERDALE regretted that the noble and learned Lord was not on the Woolsack during the discussion of Lord Russell's Motion, for the Opposition refrained from supporting it on the ground that the Queen's honour was pledged. Had the noble and learned Lord's view been then put forward, the Motion would have been supported, and the Treaty would never have been carried out. Arbitration should not be agreed to when the Law Officers told the Government they were right; if they said the case was doubtful, let arbitration be resorted to; and if they said England was in the wrong, let us honourably and at once give in. In this case we believed ourselves in the right, and the result had been anything but satisfactory.

THE LORD CHANCELLOR said, he was anxious not to be misunderstood. He did not say that it would not be a very grave and serious thing, after conducting negotiations up to the point at which a Treaty awaited ratification, to refuse to ratify it. A Treaty, however, was not a Treaty till it was ratified; and he had no doubt whatever of the right and power of the Sovereign, on the advice of Parliament, to refuse ratification—though it would be a very grave and serious step. What would be the good of the proposal to lay Treaties for six weeks on the Table of both Houses before ratification, if before this was done we were already bound to ratify them?

THE MARQUESS OF SALISBURY said, he would not back his own opinion on such a matter against that of the noble and learned Lord on the Woolsack. But he would remind the House that on the occasion referred to, Lord Cairns distinctly and strongly held that the words employed, whether hackneyed or not, absolutely precluded the House, if they did not intend to sacrifice the honour of the Crown, from asking the Queen not to ratify the Treaty.

LORD CAMPBELL in reply, said, he did not share the repugnance of his noble Friend the noble Marquess to divisions, and thought if they were more frequent the attendance would be greater; but if there was a general desire to avoid a vote he should not force it. The noble Earl the Secretary of State had made no answer to the proposition that Treaties of peace had been almost invariably submitted to the Legislature, and that the same course applied to Treaties of arbitration could involve no further blow to the Prerogative. He (Lord Campbell) was astonished that the noble and learned Lord upon the Woolsack should lend the sanction of his eminent authority to an argument so frequently refuted, so long worn out, as the remark that a disgraceful Treaty might be visited by punishment of those who had contrated it. Neither the dismissal, nor impeachment, nor execution of its authors could reinstate a country in its territory or its honour if either had been sacrificed. But he was not entitled to detain the House if no division was to happen. He could not withdraw a Motion against which no valid plea had been maintained. If the noble Marquess deemed it right to move the Previous Question he (Lord Campbell) would assent to it.

THE MARQUESS OF SALISBURY said, the House would be no more pledged to any particular course if that Motion were withdrawn, than it would if the Previous Question were carried.

On Question? *Resolved* in the *negative.*

EPPING FOREST BILL—(No. 19.)

(*The Duke of St. Albans.*)

SECOND READING.

Order of the Day for the Second Reading read.

THE DUKE OF ST. ALBANS moved that the Bill be now read the second time, stating its object to be to extend the time for the Epping Forest Commissioners making their Report for a further period of two years. The extension of time was rendered necessary by the mass of business which the Commissioners had to get through.

Lord REDESDALE said, he thought the Bill objectionable, extending as it did the powers of the Commissioners for so long a period. He thought that if the Commissioners were allowed two years from the present time for making their Report they ought to be called upon to consider the important subjects which were excluded from the Bill passed two years ago.

The Duke of RICHMOND hoped that at the next stage of the Bill the noble Duke would be in a position to state the nature of the work which rendered the extension of time now sought for necessary, and whether there was any objection to the Report embracing the matters excluded from the former Bill. Two years had already elapsed, and he thought the further period of two years somewhat unreasonable.

Earl GRANVILLE said, that a considerable number of cases before the Commissioners still remained undisposed of. The inquiries made of his noble Friend who moved the second reading were quite legitimate, and he would be in a position to give full information in respect of them, when the Bill reached the Committee stage.

The Marquess of SALISBURY considered the information promised all the more necessary that the Bill seriously affected private rights, and that pending suits were hung up until the Report of the Commissioners was made.

Motion *agreed to;* Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Monday* the 17*th instant.*

COMMISSIONS IN THE ARMY.

QUESTION.

The Duke of RICHMOND, in asking the Under Secretary of State for War the Question which stood in his name in reference to commissions in the Army, said, it would be in the recollection of their Lordships that when the abolition of purchase was determined upon by Her Majesty's Government, they were informed that new modes of entering the Army would be provided, that men would no longer be able to advance themselves by means of money; but that the avenues to rank in the Army were to be open to all classes of Her Majesty's subjects. Commissions in the Army, they were assured, were to be given to gentlemen who complied with certain regulations then laid down by the Secretary of State; and a Memorandum was issued respecting first appointments to the Cavalry and Infantry, which stated that commissions in the Army without purchase and without competition would be given to University candidates who had passed certain examinations therein set forth; and further that gentlemen who had held commissions in the Militia for a period of two years and received certificates of competency in drill from their colonels would also receive direct commissions in the Army without competition. Under these circumstances, those who stood in the position to which he had referred looked forward with considerable and natural anxiety to the first nominations to commissions issued from the War Office. Their disappointment might be imagined when they found from the Memorandum issued last month that they were virtually excluded from the advantage which they had been led to expect, inasmuch as the appointments in question were thrown open to general competition. He happened to know a case in which a gentleman had qualified himself in every point by having passed an examination at the University, and also by having served the requisite period with the Militia, and by having received a certificate of competency from his commanding officer. He was therefore doubly qualified; but when he sent in his application for a commission, the answer he received was that there were no commissions to be issued to gentlemen in his position, and he was told he might compete as one out of several hundreds for one of about 80 vacancies, several of which were in West Indian regiments. He would therefore ask his noble Friend the Under Secretary of State for the War Department, with reference to Paragraphs 22, 23, and 24 of the Memorandum respecting first appointments to the Cavalry and Infantry —except from General Orders 52. and 65. of 1872 — What steps have been taken to enable gentlemen who had taken the required Degrees at the University, or who, being in the Militia, have conformed to sub-sections *a*, *b*, and *c* of Paragraph 25, to obtain commissions in the Army?

THE MARQUESS OF LANSDOWNE said, that the noble Duke would find on reference to a Memorandum which was issued with the Royal Warrant a statement pointing out that no Army commissions would be given to Militia or University candidates for about two years from the publication of the Warrant. It was hoped that they would be able to keep reasonably within the time fixed in the Memorandum, and it was intended to open the list to University candidates by the 1st of April next, so that by 1874 some of the candidates would be appointed to commissions. With respect to Militia regiments, it was intended that one commission should be offered to every regiment of over six companies, after this year's annual training.

INTESTATES WIDOWS AND CHILDREN BILL [H.L.]

A Bill for the relief of Widows and Children of Intestates where the personal estate is of small value—Was *presented* by The Lord CHELMSFORD; read 1ª. (No. 33.)

House adjourned at Seven o'clock,
till To-morrow, half past
Ten o'clock.

HOUSE OF COMMONS,

Monday, 3rd March, 1873.

MINUTES.]—NEW MEMBER SWORN—Joseph Philip Ronayne, esquire, *for* Cork City.
SUPPLY—*considered in Committee*—*Resolutions* [February 28] *reported.*
PUBLIC BILLS—*Ordered*—Mutiny *.
First Reading—Turks and Caicos Islands * [87].
Second Reading—University Education (Ireland) [55], *debate adjourned;* Salmon Fisheries Commissioners * [85]; Fires * [31]; Marriages (Ireland) * [68]; Cove Chapel, Tiverton, Marriages Legalization * [86].

UNIVERSITY EDUCATION (IRELAND) BILL.

MR. MITCHELL HENRY gave Notice that in the event of a division not being taken on the Amendment of the hon. Member for King's Lynn (Mr. Bourke), or on that of the noble Lord the Member for Huntingdon (Lord Robert Montagu), he should move an Amendment to the following effect:—

> "That this House, while ready to assist Her Majesty's Government in passing a measure for the advancement of learning in Ireland, is of opinion that for the purpose of supplying to Parliament information of which it is not now in possession, it is expedient that a Royal Commission should be appointed to take the evidence of academic bodies and of persons interested in higher education in Ireland, as to the causes that impede the full success of University Education in that Country, and as to the best means of overcoming them, and that an humble Address be presented to Her Majesty, praying that She will be graciously pleased to issue such Commission."

LETTERS PATENT.—QUESTION.

MR. J. HOWARD asked Mr. Attorney General, Whether, in conformity with the recommendations of the Select Committee appointed "to inquire into the Law and Practice and the effect of Grants of Letters Patent for Inventions," and which Committee made its Report on 8th May 1872, the Government intend to bring in a Bill this Session to amend the Laws with respect to Letters Patent; and, if not, whether the Government will offer facilities for the progress of such a Bill if brought in by a private Member?

THE ATTORNEY GENERAL, in reply, said, that the recommendations of the Committee were under the consideration of the Government; but he could give no definite answer to the Question of the hon. Member.

IRISH BILLS.—QUESTION.

MR. VANCE asked the Chief Secretary for Ireland, When a Return ordered on the 9th of August last to be made by the Corporation of Dublin, of the expenses they have incurred in promoting and opposing Bills in Parliament, will be presented to this House?

THE MARQUESS OF HARTINGTON, in reply, said, he had been informed by the Clerk of the Dublin Corporation that the Return was in course of preparation, and would be forwarded within a few days.

JUDGE OF THE PROBATE AND DIVORCE COURT.—QUESTION.

MR. RAIKES asked the Secretary of State for the Home Department, Whether any arrangement has been made with the present Judge of the Probate and Divorce Court by which he has surrendered the greater part of his patronage; and, if such is the case, to what Member of the Government has such patronage been transferred?

Mr. BRUCE, in reply, said, that no such arrangement as that suggested by the hon. Member had been made.

THE GENEVA AWARD.—QUESTION.

Mr. GOLDSMID asked the First Lord of the Treasury, Whether the statement is correct that the claims of American citizens to be paid under the Geneva Award do not amount to more than two millions and a half; and, if so, whether the Government of the United States proposes to return to the British Government the balance of the three millions and a half awarded by the tribunal to meet such claims of private individuals?

Mr. GLADSTONE: The question of my hon. Friend is founded, I believe, upon statements which have appeared in the newspapers, and perhaps it is as well he should have put it, in order to enable me to remove certain misapprehensions which have arisen on this subject. An error—perhaps not the least that is generally entertained—appears on the face of the hon. Gentleman's Question with regard to the amount of the sum awarded—the exact sum is not £3,500,000, but £3,200,000. The state of the case is this, so far as I am aware. In the first place, I refer to a matter of fact. The claims preferred by the American Government, on the part of individuals who had suffered losses in America, before the Tribunal of Geneva—that is to say, the final claims as they stood on the 28th August, amounted to £6,000,000. That was the amount of the claims put forward by the American Government on the part of individuals, interest included. Then the amount awarded by the Tribunal was £3,200,000. By the Treaty there were two methods of proceeding open. One of them was, that the cases of damage or loss might have been examined separately, and then referred to assessors for the strict determination of the particular amount due; the other was, that a gross sum should be paid to the American Government; and if a gross sum were paid to the American Government, we had no power to look beyond or behind the payment of that sum. The method adopted by the Tribunal was the payment of a gross sum, and it is right to say that in adopting that method the Arbitrators followed a precedent which had occurred in a previous American arrangement with France, when £1,000,000 was paid by the latter country to America in respect of the claims of certain private individuals. All we know is this—that two Bills for the distribution of this arbitration money have been proposed; but neither of them has been passed by both Houses of the American Legislature. One has passed the Senate, and the other the House of Representatives. These Bills are not by any means in accordance one with the other, nor have the provisions of either of them been finally adjusted. Under these circumstances, unless gifted with second sight, it is not possible, I apprehend, for anyone to say what the ultimate amount, as determined by American legislation, will be, that is due to individuals who have claims in respect of what are called "Alabama losses." That being so, my hon. Friend will see how rapidly and how much this statement has travelled in advance of the facts, and that we can have no knowledge at present on the subject which he presumes to have been settled. But if it had been settled, I am bound to say that the decision of the Tribunal to grant a gross sum is final, and that we have no further concern with the way in which that sum may be disposed of.

POST OFFICE—INSUFFICIENTLY STAMPED NEWSPAPERS.

QUESTION.

Mr. R. N. FOWLER asked the Postmaster General, Whether his attention has been called to the practice of destroying newspapers directed abroad but insufficiently stamped; and, whether arrangements could not be made for charging the deficient postage on delivery, as is done in the case of letters?

Mr. MONSELL, in reply, said, that the rules of the Post Office required that the postage on newspapers sent out of the country should be pre-paid, and as there were postal conventions with other countries in which this pre-payment was stipulated for, it would be impossible to make any general alteration in respect of the present practice.

MERCHANT SHIPPING ACT.—THE "PERU."—QUESTIONS.

Mr. HAMBRO, who had a Notice on the Paper to the following effect;—

"To ask the President of the Board of Trade, Whether he will institute an official inquiry into the loss of the steamship "Peru," which foundered in the Bay of Biscay last December?"

and another as follows:—

"To ask the Secretary of State for the Home Department, Whether it is a fact that fifteen seamen belonging to the late steamship "Peru" are now undergoing in Dorchester Castle a sentence of twelve weeks' imprisonment with hard labour for refusing to go to sea in that ship; whether it is a fact that that ship foundered at sea two days after leaving Portland Harbour; and, if the facts are as alleged, he will promptly take the proper means for relieving these men from any further punishment in consequence of the sentence inflicted on them?"

said, that in consequence of certain communications he had received from his right hon. Friends, he should defer putting his Questions.

Mr. CHICHESTER FORTESCUE said, that he might take that opportunity of stating that the *Peru* was not a steamship, and that she had not foundered at sea, but had run ashore. The whole of the crew on board had been saved. He had ordered an inquiry to be made into the matter.

Mr. BRUCE said, that he had received a letter from the owners of the vessel, giving a very full account of the whole matter. He had communicated with the magistrates who had tried the sailors, and until he received an answer from them he could not state what course the Government would take with regard to the prisoners.

SPAIN.—QUESTION.

Mr. WHITWELL asked the Under Secretary of State for Foreign Affairs, Whether the Government thinks that the time has arrived for acknowledging the present Government of Spain as a de facto Government?

Viscount ENFIELD: Her Majesty's Government continue to be in unofficial communication with the persons now administering the Government in Spain; but no Government has as yet been constituted in that country which, in their opinion, admits of recognition.

ARMY—MILITIA PERMANENT STAFF SERGEANTS.—QUESTION.

Mr. WINGFIELD BAKER asked the Secretary of State for War, What amount of pension will be granted to the sergeants of the permanent staff of Militia Regiments who have risen from the ranks in the Militia, and served fifteen, eighteen, or twenty years?

Mr. CARDWELL: Under the Militia Acts, sergeants of the permanent staff, on being discharged on account of age or infirmity, are entitled, after 20 years' service on the permanent staff, to 5*d.* a-day pension; if of less than 20 years' service to a gratuity; if over 14 years, of 180 days' pay; if of less than 14, and over seven years, then of 90 days.

THE NEW ARMY PLAN.—QUESTION.

Major General Sir PERCY HERBERT observed that the Secretary of State for War had stated that the soldier's pay would henceforth be 1*s.* a-day clear, besides rations, and that the pre-engaged soldiers would lose a halfpenny a-day upon the present rate. The right hon. Gentleman had also said that no loss would occur in any case. He hoped that some explanation of that would be given.

Mr. CARDWELL said, that the statement as put was quite accurate; care would be taken that, under no circumstances, should any loss be imposed upon any person.

UNIVERSITY EDUCATION (IRELAND) BILL—[Bill 55.]

(*Mr. Gladstone, The Marquess of Hartington.*)

SECOND READING.

Order for Second Reading read.

Mr. GLADSTONE: Sir, I rise for the purpose of saying a few words on this Bill. I need not say it is not my intention to repeat any portion of the lengthened argument and statement with which I troubled the House upon the introduction of the Bill. But I wish to refer very briefly to several representations which have been made to us, or to myself, by various persons entitled to speak with interest, and with more or less authority, on the subject of this Bill. We have received several statements from those who think the provision made for vested interests is not, in all respects, complete or sufficient. With regard to that provision I desire to have it understood, so far as I myself am concerned, so far as the Government are concerned—and, I think, I do not assume a dangerous liberty in giving it as my opinion that I may add as far as the House is concerned—the disposition of the House is invariably to deal liberally with interests of that kind. It is not merely as to the question of money, but as to status and condition; and although the time for settling details of that sort naturally does not arise at an early stage, and they are better taken after all the leading provisions are definitely adopted; yet those persons may, I am sure, remain confident that they will be dealt with in the same spirit as other persons similarly situated have been dealt with in other Bills. Well, then, a statement has been offered to us by the Council of Queen's College, Cork, who make representations on various points with respect to which they think the Bill should be amended. One of those alterations is not of very great importance; but as its introduction would improve the Bill, it is our intention to adopt it. It relates to the future introduction of Colleges into the University. The Bill as it now stands leaves that introduction of Colleges to the sole action of the Council of the University. The recommendation of the Council of Queen's College, Cork, is that the Council of the University should inquire into the sufficiency of the means of instruction possessed by any College; that, having done so, and being able to certify that it possesses sufficient means of instruction, they should make a formal recommendation to the Crown that the College be introduced within the University; and that upon that recommendation the Crown should be enabled to introduce the College within the University. My own impression is, that under the present law the Crown would have that power; but whether that is so or not, that is the form which it is proposed to give to this particular provision; and we think it is an improvement on the arrangement for the introduction of Colleges within the University. There is another addition to the Bill to which I wish to refer, though I cannot describe it as a change in the Bill. It is with regard to an important expression contained in the Bill. The House will have observed that with regard to the power or title of Colleges to send a collegiate member to the Council of the University, the condition of it is their having a certain number of students *in statu pupillari* who, having been students *in statu pupillari* of the College, have been matriculated in the University, and have passed an examination such as the Bill requires. The words *in statu pupillari* require a description, and I propose to insert in the Bill the conditions which shall be deemed sufficient to fulfil the meaning of that important phrase. The principal conditions will be these:—in the first place—as of course it is not intended that a premium should be offered for the affiliation of mere boys — we propose that they should be not less than 17 years old; and, in the second place, they must not belong to more than one College, for the purpose of enabling that College to send a collegiate member. That, I think, is in the Bill at present; and, in the third place, they must have passed all the examinations required by their standing, whatever it may be; in the fourth place, if they have only passed a matriculation examination, the College must undertake to present them on the next examination; in the fifth place, they must be certified — being Undergraduates—to be in regular attendance upon lectures in Art; and being not Undergraduates, but Bachelors—which would still leave them, according to the academical meaning of the phrase, *in statu pupillari* — they must be certified to be in attendance upon some other branch of knowledge, having already received a Bachelor's degree. These are the principal conditions which we should propose as a definition of the term *in statu pupillari*, for the purpose of giving to the College its title to send a collegiate member to the Council. In the 25th clause of the Bill, which relates to examinations, there is a sub-clause or heading which requires the Council to subdivide the Faculty of Arts into several branches, which are there enumerated. We think that a good deal of difficulty and inconvenience may arise from an attempt by Parliament to fix the form of that subdvision. Therefore, we propose to withdraw that subdivision from the clause and instead of it to do that which will be equivalent to it, so far as the main objects are concerned, but which will leave a greater liberty to the Council with regard to the division of the very numerous branches comprised under the name of Faculty of Arts. The effect of the substitution of that heading would be this—that the Council should divide the Faculty of Arts into branches for the purpose of any examination to be held with a view to a degree and to determine what branches should be sufficient for the said purpose. But it would remain subject to these conditions. We propose that the examination in Modern History, in Ethics, and Metaphysics shall be voluntary; next that Ancient Languages and Literature shall suffice for obtaining a Bachelor's degree, if such proficiency shall have been attained as the ordinances of the Council may require. These are the changes of form in three different parts of the Bill, which seem to be worth mentioning; and with the permission of the House, should the Bill be read a second time, I will consider whether it will be more for the convenience of the Members to put them into the Bill at once, by passing the Bill *pro formâ* through Committee, or whether it will be more desirable that they should be placed on the Notice Paper of the House, simply as Amendments. The House will perceive that, although I wish to give full information with respect to these matters for the guidance of any Gentleman about to take part in the debate, they are not matters of any great consequence in reference to the general substance of the Bill. A good deal has been said on a point on which I wish to make a few remarks, and that is the embarrassing position in which Parliament is said to be placed with reference to the composition of the future Council. The future Council is to consist of twenty-eight ordinary members. It is said, however—and I quite agree with the observations of those critics of the Bill—that a great deal of the success of this measure will depend upon the choice made of the persons who are to form this Council. Indeed, I might truly say that so much, I think, will depend upon the selection of those members that, even supposing the Bill were a thoroughly good and satisfactory one, and that its provisions were universally approved of, if there were a bad list of names inserted as Councillors, if names of incompetent men, or names of mere partiazns, sectarian or political, were inserted in the Bill, it would defeat the whole beneficial effect of the wisest provisions of the Legislature, and therefore there is a desire, which I admit to be a very natural desire, that the names of those who are to be appointed should be made known to the House. But, unfortunately, we are very often given—such is the condition of human nature—to desire several things that are in their nature quite impossible to attain; and that is the state of the case, as I shall show after some further explanation, with respect to the proposal that we should at the present time produce the names of the twenty-eight ordinary members of the Council. I will first observe that it is commonly said when these twenty-eight ordinary members of the Council are once proposed, the House has no choice but to accept them; that the act of the Government so far is final; and that the House may find itself in a false position and may be bound by the erroneous judgment of the Government in a matter essential to the main objects of the Bill. Well, my answer to that is, that such a list is not immutable, and I will give the House precedents to show that I am correct. In the case of the Oxford University Bill the names of the Commissioners were not printed in the Bill, although their duties were comparatively easy. They were stated, however, before the second reading of the Bill; but a large proportion of the House were not altogether satisfied with their names. My right hon. Friend the Member for Liskeard (Mr. Horsman) made a Motion adverse to the list we proposed. He did not succeed in carrying his Motion; but I see that he voted in a minority of 141 against a majority of 169—rather a respectable demonstration. The argument of *post hoc propter hoc*, which is often not applicable, seems to have held good in this case; for I find that, that having occurred in May, I moved in June the addition of two more names—the Earl of Harrowby and Sir George Cornewall Lewis—in order to give to the body that representative character required. This is an instance in which, though a complete list of names was furnished, that list was changed in deference to a feeling indicated by the House. Having now given the House one example at the expense of myself, I will in turn refer to one at the expense of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), taken from the case of the Representation of the People Bill in 1867. In that case the right hon. Gentleman on the 21st of June proposed Lord Eversley, Mr. Walter, Mr. Bramston, Sir John Duckworth, Mr. Bouverie, Mr. Russell Gurney, and Lord Penrhyn as the gentlemen who were to act as Boundary Commissioners. The introduction of these names, though not leading to a division, nevertheless gave rise to indications that the list was not altogether satisfactory. That is again affording proof that the production of the list by the Government is not considered a final act, and the right hon. Gentleman, on the 24th of June, in lieu of the former list, produced a list which contained one new name, and from which three of the former names were omitted. That list, which consisted of Lord Eversley, Sir John Duckworth, Mr. Walter, Mr. Russell Gurney, and Sir Francis Crossley, was finally adopted. Now these are precedents for our having printed this Bill without the names of the Commissioners, and for our having declined to give them. In the Oxford University Bill, where there was no question of principle raised, and where, therefore, there was very little doubt as to the nature of the duties to be performed—even there we did not propose the names. In the case of the Cambridge University Bill, which after the passing of the Oxford Bill had become a matter of course, the names of the Commissioners were put into the Bill. Then with respect to the Representation of the People Bill, there would have been no great harm in fixing the names of the Boundary Commissioners. But what took place? No names were produced until the House had read the Bill a second time, and gone into Committee, and had reached the 24th clause in Committee, after having settled, if I recollect right, a great portion of the many important questions raised by the Bill. The names were then produced, and it was even then moved to insert them in the Bill the same day they were proposed; but they were not inserted until four or five days afterwards. I will take another case—that of the Irish Church Bill of 1869. The main outlines of that Bill were tolerably fixed; but still a great deal depended upon the details as to the mode in which matters were to be finally adjusted. We therefore found it difficult to go to gentlemen and ask them to bind themselves to exercise the duties of Commissioners under the Bill, until they knew with tolerable distinctness the course which Parliament intended to take with regard to its main provisions. Therefore, we read the Bill a second time, and we went into Committee, without giving the names of the Commissioners, and against that course we received no remonstrance. We came at length to the clause of the Bill in which the Commissioners were to be named, and we postponed the consideration of that clause until the close of the Committee on the Bill. We gave notice of the three Commissioners on the 4th of May, and their names were inscribed on the Bill on the 7th of May, at the close of the Committee. Now, I do not want to stand upon precedent even in matters of this nature, if it were in our power to accommodate hon. Gentlemen. But what is the use of asking us to do that which I think I have shown to be utterly impossible for us to do? Is it not a most extreme measure for any hon. Member to propose a Vote of Censure, because we have not done that which it is impossible for us to do? Although in terms the Resolution expresses regret, it is really a Vote of Censure on the Government, as hon. Gentlemen are well aware. It would be impossible for Government to insert the names in the Bill without tampering with the free action of the House and forgetting the respect which we owe to its authority and opinion. Suppose we were to make application to any gentleman connected with Ireland to become a Commissioner or member of the Council under the Bill. What sort of a person ought he to be? Is he to be a mere satellite of the Government? Even if he were, I should greatly doubt whether there could be found any satellite so servile or so abject that he would not say—"I decline to serve under your Bill until I know what your Bill is to be." I do not, of course, mean to say that a gentleman would insist upon final absolute knowledge; but he would certainly ask for, and be entitled to, such knowledge as would enable him to form a general idea of the scope and extent of the Bill. That would be true even if this were a Bill like the Irish Church Bill, which had one commanding object —namely, the disestablishment and disendowment of the Irish Church, every other object being subordinate and subsidiary. But this Bill, on the contrary, is full of clauses, nearly everyone of them dealing with matters of great importance and principle, and bearing nice relations to each other, and the decision of the House upon them may perhaps entirely alter the colour and complexion of the Bill. We should, in my opinion, be utterly unworthy of the offices we hold if we should—as it is vulgarly called—attempt to pack this Council. If we select men from Ireland we ought to go to men of the greatest weight and capacity, and we should not in the first instance ask what their politics or their principles were. We should not think because a man voted against the second reading or the passing of the Bill, that he was discharged from all fitness or capacity to sit under this Bill. I ask any Gentleman on the opposite side of the House whether it is possible for us, consistently with a proper respect for him, to apply to him and ask him to become a member of the Council under this Bill before the sense of Parliament has been taken upon it. Such a Gentleman would possibly say—"I shall have nothing to say to you or your Bill under the circumstances." He might, of course, give us that answer, and we could make no reply to him if he did. But still it is our duty not to take it for granted that that would be the answer, and with the view of promoting the best interests of Ireland we ought to give something of a comprehensive character to the position of this Council. Suppose such a case as this. There is a most distinguished person, whose fitness, I believe, would be acknowledged on all hands, if I were at liberty to mention his name, who is an ex-Fellow of Trinity College, Dublin, and a senior Fellow. He has written to more than one Member of the Government expressing the strongest approval of this Bill. How could we ask him to be a member? He would probably say—"I am perfectly satisfied with its provisions as they stand in respect to Trinity College. You have, it is true, mulcted Trinity College; but you have left it in a position of comparative affluence, if not of munificence. You have altered its position. You have taken away the command of the University from it; but you have left it that qualified independence which such a great academical institution should possess. But suppose that, instead of the independence of Trinity College, Parliament should say that it should be the slave of the University. I am willing to serve as member of the Council under the Bill as it is; but certainly not under it in a form so altered. You may present my name to Parliament; but I give you notice that I will reserve my right to withdraw it, if the Bill should undergo any such alteration as I have suggested." What, then, would be our position if we brought down 28 names under such conditions? Let me suppose the case of a gentleman who may be very friendly to the Bill generally, but who values it most of all on account of the carefully devised security for conscience contained in it. If we asked him to serve, he might say—"I am very well satisfied with such securities as you have provided for conscience at present; but how can I be sure Parliament will endorse them?" He would be obliged to reply to us either that he could not serve on the Council, or that if we took his name we must do so provisionally, and be prepared to have it withdrawn if Parliament materially altered the structure of the Bill. What I have said shows it is not merely difficult but impossible for us consistently with due respect for Parliament to present to the House the list of persons who have agreed to be members of the Council under this Bill. Obviously, if they were content to serve before they knew what form the Bill would finally assume, they would not be the proper persons to serve. That, Sir, is the state of the case. And are we to be told that the House of Commons is to be asked to pass a Vote of Censure on the Government for not having attempted what it would be ridiculous to attempt and impossible to form? That such a Vote of Censure will be passed I am not going to assume; but that such a Vote should be asked for is a fact, I think, worthy of commemoration in the annals of Parliament. I beg leave to move that the Bill be read a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Gladstone.*)

MR. BOURKE moved, as an Amendment, to leave out from the word "That" to the end of the Question, in order to add the words—

> "This House, while ready to assist Her Majesty's Government in passing a measure 'for the advancement of learning in Ireland,' regrets that Her Majesty's Government, previously to inviting the House to read this Bill a second time, have not felt it to be their duty to state to the House the names of the twenty-eight persons who it is proposed shall at first constitute the ordinary members of the Council."

The hon. Gentleman said, that after the powerful reply they had just heard from the right hon. Gentleman at the head of the Government in anticipation of a speech not yet delivered, he regretted more than ever that the Resolution he was about to propose had not fallen into abler hands, because the subject was of such great importance that he felt quite unable to do justice to it. Before entering upon the question at issue, he could assure the House that, although he had received promises of support both from Gentlemen on that side of the House and also from others with whom it was his misfortune to differ on many political topics, this Resolution had not been framed for the purpose of catching votes from one side of the House or the other; but it was simply the expression of an opinion which, as an humble individual, he ventured to submit to their consideration. Indeed, the Amendment of the hon. Member for Westmeath (Mr. Smyth) would have answered better, if the only object in view were to secure votes; but, notwithstanding the measure was objectionable from beginning to end, it must not be forgotten that it was a Bill for the advancement of learning in Ireland, and he felt that if the constitution of the Council had been settled to the entire satisfaction of the House, he would have been glad to withhold opposition to the second reading of the Bill and assist in re-modelling it in Committee; but until that were done it was impossible to assent to the second reading. No one could approach the subject of University education in Ireland, and follow the history of it during the last 10 years, without feeling that it was a most difficult and delicate one; but when they remembered the course taken by the University of Dublin during the last few years, every candid person must admit that the present Government were placed in a more favourable position for the satisfactory settlement of the question than any other which had preceded them. Owing allegiance as he did to that University, he trusted he might be excused for saying — in these days of University reform—that the University of Dublin had shown herself true to those great principles of enlightened liberality that had ever distinguished her; she had applied to Parliament for powers to open her doors to all persons, whatever their creed, anxious to participate in the benefits of her teaching and discipline and emoluments, and the position she had thus assumed not only made the task of the Government easier, but gave her peculiar claims upon the favourable consideration of the House. The University of Dublin was entitled to ask the House to pause before it handed over the powers she had so well exercised for more than 300 years to a body whose names even were unknown, and whose qualifications were undefined. And not the University of Dublin alone, but all persons interested in the higher education of Ireland in its broadest and highest sense were entitled to make the same appeal to Parliament. Whether the University was to flourish or to fade, it was an institution of which both England and Ireland might be proud—which England might be proud of giving and Ireland proud of keeping—and which stood out alone and unique as a great moral, intellectual, and physical symbol of the beneficent effects of the connection between the two countries. It had been admitted on all hands — in Parliament, in the Press, and by the Government — that upon the ordinary members of the Council depended the success or failure of this scheme. The right hon. Gentleman in the course of his splendid speech, introducing the Bill to the notice of the House, admitted that these ordinary members would form the "main stock and material," and the "main strength and force," of the Governing Body; he had admitted the same thing this evening; yet, notwithstanding, it was obviously impossible to form a guess at the future character of the University of Dublin—either in the immediate or the distant future—until we knew what the composition of the Governing Body would be; yet the right hon. Gentleman refused to place the House in possession of the names of those to whom he proposed to commit these enormous and extraordinary powers, academical, administrative, and judicial. The right hon. Gentleman had referred to certain precedents for the course he had taken in relation to this subject; he (Mr. Bourke) was prepared to rest his case upon them. The right hon. Gentleman had mentioned the case of the Bills dealing with Oxford and Cambridge Universities — precedents distinctly against the right hon. Gentleman, because in the one case the names were inserted before the Bill was read a second time, and in the other at the time the Bill was introduced. As regards the third precedent—that of the Reform Bill of 1867—no one could for a moment compare the duties that were to be performed by the Boundary Commissioners under that Bill, or could draw the slightest analogy between those duties and the most serious and important duties that were to be imposed on the Council of the University under the present scheme. The precedent of the Irish Church Bill he claimed as in his favour; because, although the duties to be performed by the Irish Church Commissioners could not be compared with those to be discharged by the proposed Council, inasmuch as the action of the Commissioners would not determine the character of the measure, when the right hon. Gentleman came to the clauses giving powers to the Commissioners, the right hon. Member for the University of Oxford (Mr. G. Hardy) objected to those clauses being proceeded with until the names of the Commissioners were before the House. Well, that course was acceded to by the right hon. Gentleman. But let the House recollect that in this case the duties to be imposed on the Council were of the very essence of the measure. The Council was to control the management and the discipline of the University, its books and studies; to appoint and control the officers, and, in short, to exercise all those great functions which might legitimately be discharged by the most ancient, well-known, and well-tried academical body. The House had been told that upon the ordinary members of this Council "the main strength and power" of the Bill rested. In the Oxford and Cambridge case, upon whom were analogous powers conferred? Not upon the Commissioners named in the Bill, but upon the great Hebdomadal Council, the members of which were as well known and as well designated as if they had been named in the Bill, and whose character, status, and intellectual rank gave a guarantee to the House that the duties imposed upon them would be performed in a satisfactory manner. But in the case before the House no one knew who the members of the Council would be. To-night they had been told that Her Majesty's Government entertained scruples about asking any Gentleman to act as Commissioner until some of "the leading provisions" of the Bill had been agreed upon by this House. If the right hon. Gentleman had those scruples, the House of Commons might justly be entitled to have corresponding scruples of a far graver character when the question was of giving over the whole cause of University education in Ireland to a body of persons whose eminent qualifications are described by a blank Schedule of a Bill, which has been condemned by every academical body in Ireland. The right hon. Gentleman had just informed the House that there was no person so abject, so servile, or so complete a satellite of the Government, that he would dare to ask him beforehand whether he would serve on the Council. Who were in the Oxford and Cambridge Bill the abject and servile satellites of Her Majesty's Government? Why, the great Hebdomadal Councils who were above suspicion. And those were the persons whom the right hon. Gentleman was satisfied to propose for the discharge of those duties which he now said no one could be asked to undertake without being considered a servile satellite of the Government. It might be said that it would be inconvenient to take the course which he now ventured to propose. His reply was, that the inconvenience was self imposed because Her Majesty's Government had, introduced a measure which was defective and incomplete. He must, therefore, enter his humble protest against asking the House to take this "leap in the dark," because Her Majesty's Government had produced an incomplete and defective measure. Then it was said by the supporters of Her Majesty's Government that it would be unworthy of the British Parliament to object to the names which might be proposed; but what, then, became of the remarks which had just fallen from the right hon. Gentleman, and which he also made in the speech in which he introduced the Bill to the House, when he threw great responsibility upon the House in accepting names that might be afterwards selected? If there would be no difficulty in producing the names, the House was entitled to see them immediately. But he confessed when he looked at some of the clauses of the Bill he felt that it might be very difficult to obtain the services of eminent gentlemen for such duties as would be imposed on the Council. And if they could not get such men, then they would be obliged to fall back on persons of inferior calibre, such as the House would not wish to see in the position of councillors of this University. What man of eminence would look with any degree of satisfaction or pride on being the member of a University Council from which theology, modern history, and moral philosophy were excluded, more particularly when the reputation which Dublin University enjoyed in the field of metaphysics and moral philosophy was considered—a field which had been cultivated with equal success by the Protestants and Roman Catholics of Ireland? The members of such a Council might indeed consider themselves an inferior and degraded body compared with that illustrious Board which since the time of Elizabeth had managed the University education of Ireland. If the House examined the duties of the Council still further they would find them in some respects savouring rather of the Star Chamber than of the Council of an enlightened University. It would be difficult to find eminent men willing to serve upon a Council whose duties would be to reprimand and punish some learned Professor for committing an offence manufactured in this Bill. In a country like Ireland, where political feeling ran high and religious feeling ran higher, it would be a very odious and difficult thing to debate and decide, whether a Professor, had by his teaching or writing given wilful offence to a somebody or a nobody, whose religious convictions might be those of Torquemada on the one hand, or those of Tom Paine on the other. He might, perhaps, be excused if he made a personal allusion. Suppose the right hon. Gentleman were to occupy a Professorial Chair in the proposed University—any one of which he would adorn with his genius—and were to make such a speech as he had done the other day at Liverpool, any undergraduate who professed the religious opinions of Herr Strauss would have an opportunity of bringing the right hon. Gentleman before his own Council for the purpose of degrading and punishing him, and probably depriving him of his position. Considering the violent controversies which were raging in Ireland at this moment with regard to the Bill, one could not but suppose that those controversies would find an echo in the University Council. But supposing the Council were successfully formed, all persons interested in higher education in Ireland were asking themselves these crucial questions—whether it was to be formed on the principle of satisfying the religious scruples of contending sects?—was it to be constituted on the principles of mixed education or of denominational education? If it were to be formed on the principle of satisfying the religious scruples of contending sects, he predicted for it a mischievous and short existence. In the case even of primary education in Ireland everyone knew the difficulty of getting eminent men conscientiously to act in harmony upon the Board; and, lamentable and unfortunate as the case might be, one could not but feel that those differences of opinion and want of harmony that took place on the National Board in Ireland were insignificant and unimportant to those that would take place in the Council of a great University. Those that took place on the National Board would only affect children, who heard and knew nothing about them; but the disputes and discussions that would inevitably take place in the University Council would be debated by every batch of students in the country—in every collegiate community and in every Professorial body in the country. The House, therefore, was entitled to ask whether this Council was to be formed of men who were friendly to denominational or to mixed education. And certainly anyone who knew Ireland would think it perfectly impossible that the allies of denominational and the advocates of mixed education could sit in the same Council. The two parties were fundamentally antagonistic. They disagreed absolutely upon the questions of the introduction of the clerical element, the books which were to be taught, and the principles upon which the Professors were to be appointed. The correspondence which had been carried on between the Catholic hierarchy and the Government in 1866 and 1867, and the correspondence as to the Supplemental Charter showed that it was perfectly impossible that the advocates of mixed education could have any sympathy with those who were in favour of denominational education. His Roman Catholic countrymen in the House would admit, aye, glory in the admission that those who swayed the political opinions of the Irish people were in favour of denominational education. On that side were found all the Catholic hierarchy and a small number of Protestants who thought that in the denominational system was to be obtained a greater security for faith and morals than in the system of mixed education. On the other hand, they would find that the friends of mixed education embraced the whole of the academic aristocracy of the country, with the exception of the Professors in the Catholic University, and also a considerable proportion of the lay Roman Catholic population. They were entitled, then, to ask what was to be the composition of a Council such as this, which might sweep away altogether, and without scruple, everything that was to be found in the University education of Ireland that was favourable to the principle of mixed education. Those who thought that Dublin University had done a great work in the past, and was going, perhaps, to do a still greater work in the future, might legitimately ask the House to pause until they knew whether the system of mixed education in that University was still to prevail, or by whom its destinies were to be controlled. The right hon. Gentleman stated that there were a great number of Colleges that might be affiliated by this Bill. He did not think that the observations that had just fallen from the right hon. Gentleman with regard to the affiliation of these Colleges were entitled to much weight; because, as it now turned out, the Colleges were to be affiliated only upon the recommendation of the Council and the decision of the Crown, and of course the Crown would be guided by the Council. And as to the Crown, that would of course depend upon the Minister of the day, and they now knew what the opinion of the right hon. Gentleman was; because in his opening speech the other night he expressed a hope that these Colleges would multiply. If so, no doubt at the end of 10 years, when the Council would have come to maturity, those Colleges would have multiplied to the extent some people imagined, and which the House was given to suppose the right hon. Gentleman wished; then, under those circumstances, no doubt there would be an end of mixed education in Ireland. He thought they were entitled to ask the Government which of these great forces they were in favour of. He entirely repudiated the idea that two such forces, representing respectively mixed and denominational education, could combine to carry on any great University system. He had now only to thank the House for the attention with which they had listened to these few remarks, and he now commended his Resolution to the favourable consideration of the House; because he believed it was in harmony with precedent, with expediency, with just policy, and common sense. He was sure that, although the right hon. Gentleman had one Fellow of Trinity College on his side—whose name and description were as unknown as those of the members of the Council—he was sure that, with that exception, the University of Dublin would, with one consent, say "No" to this very mischievous Bill. The hon. Gentleman concluded by moving his Amendment.

LORD EDMOND FITZMAURICE rose to second the Resolution which had just been proposed by his hon. Friend the Member for King's Lynn, and he could assure the House that it was with a feeling of no ordinary responsibility that he did so. Only very special circumstances could have made him wish to adopt a course which might seem on a question of this importance hostile to the Government; but he ventured to think that the House would be ready to grant that those special circumstances did exist. They were these—A measure of first-rate public importance had been introduced in a speech by the Prime Minister, which it was no exaggeration of language to say threw the House and the country into a mesmeric trance. Gradually, the country—and the House as representing the country—began to recover from this trance, to rub its eyes, and ask itself what it was about. The scattered murmurs of discontent began to gather to a head, and many men on that side of the House were whispering to their neighbours that something ought to be done; but nobody seemed disposed to do anything himself. He waited, and when the time for the second reading of the Bill came, and the right hon. Gentleman was still insisting that the House should take a blindfold leap in the dark and pass a measure which, so far as its most important clauses were concerned, was still a dummy Bill, to be filled up at his good pleasure afterwards, he felt that, though he might correctly describe himself as *impar congressus Achillei*, it would be better that even so unimportant a person as himself should put in a protest, rather than that side of the House should unanimously help to register the decrees of the right hon. Gentleman, as if it were the Parliament of Paris under Louis XV. and not the English House of Commons, and he would equally have felt this even had he been able to foresee that the Achilles in question was about to destroy him with the thunders of his eloquence, before ever he had had the opportunity of putting in a word. Accordingly, he trusted the House would believe that it was from no feeling of personal passion or prejudice that he resolved to second this Resolution. Since the time that the Bill was introduced many other schemes had been suggested and discussed, but it was not his intention to discuss any scheme but that before the House; although if he might be allowed to express his own opinion, the wisest scheme would have been to let the Queen's University alone, beyond giving it a general examining power similar to that of the London University, and to have let Trinity College and the present Dublin University alone, beyond abolishing tests, carrying out a few needed internal reforms, and giving that University power to recognize any other undenominational College which, besides Trinity College, might exist or be founded in Dublin. If the Government had adopted such a scheme as that they would have been treading in the steps of the late Sir Robert Peel and Sir James Graham. They would have been following the doctrines of that illustrious man Mr. Sheill. They advocated mixed education as a palliative, if not a cure, for the sectarian differences which lay and always had lain at the root of the misfortunes of the sister island; but when the right hon. Gentleman introduced his measure, very scant and niggard was the praise he bestowed on mixed education in Ireland. He came down with a statement of a great denominational grievance, in order that the House should adopt his remedy, and he gave his assumption of the existence of that grievance the benefit of a frequent repetition, in order, as it may be supposed, to conceal its want of every other recommendation. It was perfectly certain that a man who possessed a great deal of imagination might, if he stayed out sufficiently long at night, staring at a small star, persuade himself the next morning that he had seen a great comet; and it was equally certain that such a man, if he stared long enough at a bush, might persuade himself that he had seen a branch of the Upas tree; and everyone knew that if a man nursed a small grievance for a long time, it was possible to persuade himself and his friends that he was suffering under a gigantic grievance. The right hon. Gentleman, recognising the existence of a certain denominational grievance in Ireland, which nobody denied, persuaded himself, and attempted to persuade the House, that there was a gigantic denominational grievance. The facts and figures on which the right hon. Gentleman relied in proof of his assertion were those through which a coach and four had been driven many times by the hon. Gentleman the Member for the University of Edinburgh (Dr. Lyon Playfair), and the fallacious character of which had been so often demonstrated as to render any repetition of them quite superfluous, apart from the fact that any such repetition by himself would be an infringement of the copyright of his hon. Friend. As regarded the other facts on which he mainly relied—namely, that there had been an absolute decrease in the numbers of University students in Ireland since the date at which he started his calculation, it was, in the first place, difficult to see that this was more a Roman Catholic than a Protestant grievance; while it must have occurred to hon. Members that the fact itself was easily accounted for by the great absolute decrease in the population of Ireland, and in the increased facilities for locomotion which had undoubtedly attracted the youth of Ireland in great numbers to the English Universities. As regarded the statements made as to the failure and inutility of the Queen's University and the Queen's Colleges, the figures before the House were the best answer that could be given; but when the right hon. Gentleman condescended to make the use he did of the facts and figures before him, he must not be astonished if suspicions were aroused of the existence of some occult influence which biassed the mind and destroyed the value of his conclusions. Nor were these suspicions allayed when it was found that in the case of the Queen's University the figures of the right hon. Gentleman were the same figures which were to be found at page 23 of the last Pastoral of Cardinal Cullen, in which—[Mr. GLADSTONE: No, no!]—the year 1868-9, because it happened to be the most unfavourable year, was taken as representing the normal state of things in those Colleges. Similarly, the right hon. Gentleman had taken 181 as representing the Catholic attendance at these Colleges, which was to take the figures of 1867-8 and 1868-9. Now the figures of the past year showed a very different result. He did not charge the right hon. Gentleman with selecting them in preference to others for the purpose of misleading the House; but he did think that he might have gone to some other source rather than have taken his figures second-hand from the Pastoral of the right rev. Prelate. He wished to remind the House of the history of Galway College. It was planted, now 25 years ago, in a poor district, and on a soil inhospitable to learning. The town in which it was established had dwindled away, owing to commercial reasons, and before many years a rival establishment was set up in its immediate proximity, with the avowed intention of thwarting its labour and impeding its progress. Meanwhile, from Synod after Synod went forth decree after decree fulminating spiritual penalties of the most atrocious character against the students and the parents of the students who were receiving their education within its walls. It was threatened with destruction, but its foundations were planted on the rock; it was called a godless College, but it held to the path of duty; it was recovering, it had recovered from its earliest difficulties; it had survived the curses and the imprecations of its spiritual enemies, and then suddenly, in the moment of its greatest usefulness and of its returning prosperity, the right hon. Gentleman, emulating the fame of the man who, according to the poet, is described as having done

"The double sacrilege to things divine,
First robbed the relic, then defaced the shrine,"

proposed to blot it out from the face of the country which it adorned, and from among the people in whose affections it had found a place. While in the case of Galway College the Bill made darkness visible, over the rest of the Bill only played that sort of light which was just clear enough for you to see to trip yourself up. The right hon. Gentleman started with the denominational grievance, and naturally led the Roman Catholic Prelates, whose sincerity was entitled to respect, to suppose that for a great denominational grievance there would be provided something like a great denominational remedy. The right hon. Gentleman had introduced a novel form of political homœopathy, in having proposed a strong dose of secularism for a great denominational grievance; but the Roman Catholics were not prepared to swallow it. He introduced a Bill to establish a secular University, with affiliated Colleges and a body of secular Professors, whose lectures nobody in particular need attend. The question naturally arose—who would attend those lectures, and for whom were they intended? It was clear the students of Trinity College would not have the least necessity to attend them, for they had their own teachers already. The students at the Queen's Colleges and the other affiliated Colleges clearly would not, for the students of those Colleges would be in one place and the Professors would be in another. Would the non-collegiate students, whose existence was contemplated by the Bill, attend and be instructed? Where were the non-collegiate students to come from in the present condition of intermediate education in Ireland? The probability was that, even in the event of some great accession of strength being made to the intermediate schools, that accession of strength would make itself felt by a rise in the numbers of the Colleges like Carlow, Magee, and the Queen's Colleges, so that where the non-collegiate students were to be conjured up from, in order that they might attend the Professors' lectures in Dublin it was difficult to see. There remained the Catholic College on St. Stephen's Green, which claimed now to have 43 students, though unfriendly critics positively asserted that it had only seven. The students at this College would, no doubt, be able to attend the Professors' lectures; so that we were finally landed in this conclusion, that the gigantic endowment asked for the Professors of the University, in this Bill, was to be spent for the benefit of the few inmates of this

College, which had already got a staff of its own—a luxury with which it would, owing to the generosity of the State, be no doubt soon able to dispense. And here he wished to turn for an instant, in order to notice the strange use the right hon. Gentleman had made of the precedents of English University reform which he quoted under four heads. First, he mentioned the abolition of tests, which for the past three years he and he alone had prevented being carried out in Dublin; then he quoted the throwing open of endowments—but he, on the contrary, was going to restrict their enjoyment; next, he quoted the enfranchisement of the University from collegiate influences; but he was going to enslave his University to denominational Colleges, of which there were any number all ready and anxious, like the never-to-be-forgotten Magee College, to be affiliated; and, finally, he quoted the resident, though non-collegiate, students of Oxford and Cambridge as constituting a precedent for non-resident students at Dublin. It seemed to him that the analogies from the English Universities failed the right hon. Gentleman at every step. Then, again, there was the distinction between students in Arts and other students, which was also to be found in the Cullen Pastoral. Did the right hon. Gentleman mean that a man reading for a law degree at Cambridge was not a University student in the proper sense of the term? Why, such an idea was in direct opposition to all modern ideas of University reform. He now came to the famous "gagging clauses." A censorship would be exercised, under which, out of deference to sectarian prejudices, certain subjects, most important subjects of study, would be excluded from the curriculum, and under which anybody might be allowed to say anything without suffering in the examination, the words of the clause being, as far as he recollected them, that "no person shall suffer from expressing any preference for any one opinion more than another." He must apologize for having called this a "gagging" clause; it was a new "licence" Bill clause. A reference to the circular of the Bishops, addressed to Sir George Grey in 1866, would show whence and at whose desire these "gagging clauses" arose. What a delightful thing it would be not to suffer in an examination because you said two and two made five; or if, on account of some religious scruple, you said that certain mathematical propositions were untrue, or preferred to be examined in the Ptolemaic system of astronomy! But while there was a laughable side to the question, there was also a very serious one. When he read the clauses, he asked—"What enemy of Ireland has done this? Who is it? Who is the Minister that perpetrates this satire upon the Ireland of the 19th century, and to a nation which, in the moment of its greatest misfortunes, always prided itself upon its love for knowledge, now in the moment of its returning greatness, offers an education from which are excluded those liberal studies which are now being encouraged by all University reformers?" From such a University, from a University governed by a Council, starting under such auspices, and in which the balance of power would be held by the representatives of denominational Colleges,—from a University debarred from teaching the noblest subject of human study, the youth of Ireland would turn away. The right hon. Gentleman spoke, in his opening speech, of an absolute decrease in the number of University students in Ireland. He forgot, as he had already pointed out, that the population of Ireland had been decreasing of late years, that the facilities of locomotion were greater than they were a few years ago, and that numbers of Irishmen were to be found at Oxford and Cambridge; but if this Bill passed all that was noble intellectually in the youth of Ireland would turn from the Irish University and go to Oxford, Cambridge, or London. He was willing to grant that conclusions widely different from those which he had just drawn had been drawn by others. It had been urged in the Irish newspapers, and it was apparently the opinion of the majority of the Irish Bishops, that the Bill would destroy the Catholic University. He did not believe it would, for the reasons he had stated; and when once the Bill was passed he should be very much astonished if the most was not made of it by those who from that side most denounced it; indeed, some of the Bishops at the recent conclave, it was said, were already looking forward to the time when this University Council would fall into their hands. Therefore, he felt he was not urging upon the House a paradox or an argument which had occurred to him alone. He wished it, however, to be clearly understood that he was not attacking the Roman Catholic Prelates; they had always spoken with great clearness and sincerity upon this question, and he respected them for that; but while he differed from them, he wished to state that he preferred even the platform of the Roman Catholic Prelates as now put forward by themselves to what would seem to be the probable future working of this Bill. What they asked for was a charter of endowment for their Universities, and if they got that, they would be content to let mixed education and separate Protestant education alone. But what this Bill did was to destroy Protestant education, and also to destroy mixed education, in order, at a future date, to give a monopoly of a second-rate inferior academical article to the Roman Catholics. He wished them joy of the dish prepared for them; but he should be much astonished if they accepted it. In order to justify himself he wished to ask the House to consider how great the powers of this Council were to be, how many forces might be represented on it, and to attempt to realize for a single instant how various its composition might be. It was to appoint Professors, adjudge prizes and emoluments, affiliate Colleges, work the gagging and the licensing clauses; it was to include and exclude subjects and persons; it was, in a word, to be omnipresent and all-powerful. Now was this most important body to be constituted on sectarian principles like the present National Board, and with the same admirable result as shown in the O'Keefe case; or was it to be partly sectarian and partly unsectarian; or wholly educational; or partly sectarian and partly educational? Were its members to be Irish residents, or many of them absentees; or partly one and partly the other? Were many of them to be practically nominees of the Castle, or was the body to be entirely independent of Castle influence? When the list was given it would have to be accepted or rejected *en bloc?* How different would be the feeling as to the acceptance or the rejection of that list, according as the answers to the questions he had just put were favourable or the reverse. Now, as to the precedents brought forward by the right hon. Gentleman. He denied that they were *in pari materiâ.* He would ask hon. Members if they really thought that the work of the Boundary Commissioners was, in any sense, analogous to the work which the proposed Council would have to do? Yet that was mentioned by the right hon. Gentleman as a precedent in this case. When he turned to the history of the Commission that had to a great extent to determine some details referring to the University with which he was connected, he found that the precedent told exactly the opposite way to that intended by the right hon. Gentleman. There were hon. Members who would recollect that the Cambridge Bill suffered at a late stage in "another place" an evil fate, and it suffered that fate chiefly because the names, when announced, were not liked; but when it was introduced in this House by an hon. Member, with the names printed in the measure itself, the Bill went through the various stages with ease and rapidity. Therefore, he said that the precedent proved, if anything, what he wanted, and not what the right hon. Gentleman wanted. But this question was one not of precedent, but rather of principle. Had there ever been a Bill conferring such vague, and, at the same time, extraordinary powers on a body of unknown persons? He ventured to doubt it. Was it fair to ask the House to adopt a measure the whole future consequence of which depended on the composition of the Council which it would bring into existence? Was it fair to ask the House to constitute a tribunal of unknown persons, and arm them with gigantic power? Was it right to ask hon. Members to perform a work without knowing the character of the work which they were asked to do, but for which they would be held responsible for all time? Was it equitable to ask the House to set its hand and seal to a deed of which it ignored the contents? He said it was not. He asked the House to refuse to proceed further with the Bill till they received further information, believing that in so doing he was making a demand that was fair, that was right, that was moderate, and equitable. He might at least with his hon. Friend (Mr. Bourke) say for their proposal what was said on a memorable occasion by a great man, himself a

Liberal, and a University Reformer—he meant Lord Brougham — that it was justice they asked for, that more than justice they dared not ask, and less than justice they would not accept; and, finally, they said that they believed that if the House would endorse the course which they, with a full sense of the unworthiness of their advocacy, and with an equally strong conviction of the goodness of their cause, had urged upon it, it would be of opinion—and that at no distant date—that by so doing, it had been true to the advancement of learning and not insensible to the rights of conscience.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House, while ready to assist Her Majesty's Government in passing a measure 'for the advancement of learning in Ireland,' regrets that Her Majesty's Government, previously to inviting the House to read this Bill a second time, have not felt it to be their duty to state to the House the names of the twenty-eight persons who it is proposed shall at first constitute the ordinary members of the Council," — (*Mr. Bourke,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. C. E. LEWIS said, he trusted that the manner in which he had identified himself with the cause of mixed and united education in Ireland, and the course he had taken on that question when presenting himself to his constituents there would relieve him from any charge of interposing unnecessarily in the debate. Indeed, there was this peculiar characteristic in the contest which ended in his return to a seat in Parliament—that the right hon. and learned Gentleman who was opposed to him appeared before the constituency clothed in opinions of the most extreme character on that subject, which he would neither renounce nor explain; and that he would not himself, in all probability, have had the honour of being the successful candidate had he not unflinchingly expressed his antagonism to anything approaching denominationalism, whether connected with primary, intermediate, or University education in Ireland. He now proposed to take advantage of the Amendment of the hon. and learned Member for King's Lynn (Mr. Bourke) to state his objections to the principles on which the measure now before the House was founded, and the reason why, if the Amendment should not be carried, he should support the Motion for the rejection of the Bill. At this moment, for the fourth time during the present Parliament, the House had before it a definite proposition for opening wide the portals of Trinity College to members of all religious denominations; so that the House was not confined to the acceptance of the Bill of the Government with the object of improving University education in the country. Moreover, besides the Amendment of the hon. and learned Member for King's Lynn, there was one which stood in the name of an hon. Gentleman who sat on the opposite side of the House (Mr. Smyth) for the rejection of the Government scheme. That being so, he had no hesitation in saying that if the former Amendment were not carried, he would vote for the latter—although he could not be supposed to have the slightest sympathy with the opinions which would probably be advanced by the hon. Member for Westmeath. He did not mean to say that if the Amendment of his hon. and learned Friend the Member for King's Lynn were agreed to, and that the names of the Council were placed on the Table, he should not be disposed to go into Committee and try to make out of the Bill something like a fair measure; but if the right hon. Gentleman at the head of the Government still declined to take that course, then he (Mr. C. E. Lewis) could not but look upon his refusal as a determination to withhold information which would probably end in the rejection of his scheme. It would be remembered the right hon. Gentleman in introducing the Bill submitted to the House as the basis of its provisions, two main allegations. He said there existed a great religious grievance in connection with University education in Ireland, and that grievance was not confined to the Roman Catholic portion of the community, but was participated in by the great Presbyterian body. The right hon. Gentleman added, that, in addition to the religious grievance, there was great necessity for academical reform in Ireland. His statement as to the existence of the religious grievance to which he referred the right hon. Gentleman supported by statistics from which he drew three or four conclusions. He, in the first place stated, as arithmetical evidence of the grievance, that the Roman Catholic community constituted three-quarters of the population, and yet that they had only one-eighth of the students in Arts; adding that Scotland, which had only half the population of Ireland—which statement was not quite accurate—had two-and-a-half the number of students in Arts. The right hon. Gentleman went on to point out to the House that there had been a gradual falling off of students in the Queen's Colleges, and that the result had been similar in the case of the Dublin University during the last few years. Now, it was not his (Mr. C. E. Lewis's) intention to sift these statistics—that he would leave to hon. Gentlemen more conversant with details; but he would, with the permission of the House, point out a few considerations which appeared to him to alter altogether the effect of the right hon. Gentleman's figures, and in some cases to impeach the statistics themselves. The right hon. Gentleman never, in the first place, alluded to the great decrease of population in Ireland during the last few years; he, in the next place, made no allowance for the vast social changes which increased means of intercommunication between England and Ireland had produced; nor had he taken any account of the increased facilities which the opening up of the English Universities now afforded to Irishmen to take their degrees in this country. To all these matters the right hon. Gentleman had paid no attention whatever. He further wished to show that the comparison which had been instituted by the right hon. Gentleman between Irish and Scotch University education was an erroneous one, and calculated to mislead rather than to instruct the House. In the first place, the proposal to exclude from his calculations all but students in Arts was not a sound one, having regard to the less wealth of the middle classes of Ireland, who in sending their sons to a University were more likely to do so in connection with one of the learned professions than in England and Scotland. Again, the right hon. Gentleman, in stating that the number of students in the Scotch Universities was 4,000, had not distinguished between those who were students in Arts and those who were students in other faculties. Yet he had compared the entire number of Scotch University students of all classes with the number of students in Arts only in the Irish Universities. The right hon. Gentleman had also appeared to forget the fact that in Scotland University students were not required to pass a matriculation examination before admission, while Irish University students were required to pass such an examination. Again, it was the fact that whereas in Scotland only one in seven of the University students matured into graduates, the proportion was raised to one in three and a-half in Ireland, or just double the number. Another fact worthy of notice was, that the Scotch Universities were more favourably situated in a geographical sense than was the University of Dublin. The result was, that while a vast number of youths entered the Scotch Universities—which they used rather in the sense of great schools than of Universities — the present state of things in Ireland prevented students entering into the Irish Universities with the same freedom. If the House would permit him to compare the statistics of England, Ireland, and Scotland pertaining to this subject, he thought he should be able to show that the position of Ireland was not the worst in regard to University education, taking into consideration the difference of population in the three countries. In Scotland the number of University students compared with the population was 1 in 860; in Ireland it was 1 in 2,200; and in England it was 1 in 4,020. Under those circumstances he asked the House to pause before it accepted mere arithmetical statements like those put forward by the right hon. Gentleman as proofs of the existence of a religious grievance, and before, acting on the belief that those statements were accurate, it made a vast and radical change in the existing system of Irish University education. But admitting that there was a great relative paucity in the number of University students in Ireland, from what did it arise? Was it not well known that the state of intermediate education in Ireland was wretched? If they had not got the seed, they could not hope to raise the plant. If the right hon. Gentleman had begun to deal with this question at the right end, he would have accepted the Bill introduced by the hon. Member for Brighton (Mr. Fawcett), and would have supplemented that measure by a Bill for improving the state of intermediate schools in Ireland. In support of this proposition he would bring forward the evidence of three witnesses. In the first place, he should rely upon the memorial from Limerick to which the right hon. Gentleman had referred in introducing this Bill, in which the right hon. Gentleman opposite (the Postmaster General) had placed in most decided terms before the Government the necessity of founding middle-class schools as one of the great educational requirements of Ireland at the present day. He would also refer to the Report of the Endowed Schools Commission, in which that body distinctly referred to the want of intermediate and middle-class schools in Ireland, not merely at the present day, but 10 years ago, when that Report was presented. He would next refer to the speech of the right hon. Gentleman himself in introducing the Bill, in which he referred to the memorial to which he (Mr. Lewis) had just alluded, and admitted that the subject of intermediate education in Ireland was one of great importance, and one on which legislation must necessarily follow, though it did not accompany the passing of this Bill. The alleged religious grievance was not, however, entirely based upon statistics, for the right hon. Gentleman supported his allegation by a reference to the remarkable decline and alleged failure of the Queen's University. He (Mr. C. E. Lewis) for one, was not prepared to admit that the Queen's University had been a failure.

Mr. GLADSTONE said, he was not aware that he had expressed an opinion that the Queen's University had been a failure.

Mr. C. E. LEWIS said, that the right hon. Gentleman had certainly used in his speech the expression that the Queen's University was a comparative failure.

Mr. GLADSTONE: The hon. Member said "failure." He did not desire it to be assumed that he regarded the Queen's University as having failed.

Mr. C. E. LEWIS said, that the expression used by the right hon. Gentleman, that the Queen's University was a "comparative failure," was sufficient for his purpose. Failure, comparative or otherwise, was what he wished to fix on the right hon. Gentleman. He (Mr. C. E. Lewis) was satisfied that the right hon. Gentleman, with his University training, with his University traditions, and with his University experience, would endorse his statement that a University could not be made in a day, nor even in a generation. Those Universities—not in this country only but in every part of the world—which had most flourished, and which had done the most work, were those which had struck deep root in the land where they were established and into the habits and minds and the history of the people in whose midst they had grown up. What could be expected of a University that had had a mere fitful and threatened existence of 27 or 28 years, such as the Queen's University had had? From the very moment of its establishment its work had been carried on in the midst of continual and persistent hostility. Would it have been surprising, if with the sword ever hanging over its head and the heads of its Colleges, it had failed? But under these most discouraging circumstances he was prepared to deny that the Queen's University had failed; he was prepared to join issue on the question with the right hon. Gentleman, and to maintain that, on the contrary, it had been a comparative and actual success. Was it not the fact that since its establishment the Queen's University had imparted a University education to 5,398 students? Did not that show an amount of educational and academic work that deserved to be respected and worthy something better than the treatment to which it was proposed to submit both the Queen's University and the Queen's Colleges by this Bill? The right hon. Gentleman would probably meet this statement by replying that the greater number of those students were Protestants; but the fact was, that of 5,398 students entered, no less than 1,536 were Roman Catholics—a circumstance that showed that this University had made great progress in welding together the two antagonistic religious sections into which Irishmen were divided. Did not that fact show that had the University been left to grow in peace and tranquillity the scheme of the great statesman who founded it would have been successful? And successful it certainly would have been had the University been allowed to mirror itself in that clear sea to which the right hon. Gentleman had alluded the other night. But had that University been allowed to rest and grow in peace? Had it not been continually assailed by agitation? At one time it was threatened with a Commission—at another anathemas were hurled at it—at another a Bill was threatened. Had it been allowed a quiet time—had it been permitted that placidity, that quiet, that rest which it was essential a University should enjoy, would it have been possible for the right hon. Gentleman to come forward and say that the Queen's University was a "comparative failure" instead of saying, as the fact was, that it was a great success? Could the House imagine the conditions under which the Queen's University and Colleges had been carried on? Let them listen to the kind of anathemas which had been hurled at it by the heads of that very section of the Irish community for whose benefit it had been established. At a meeting of the Roman Catholic Bishops at Maynooth on the 18th of August, 1869, the following resolution was passed:—

> "They reiterate their condemnation of the mixed system of education, whether primary, intermediate, or University, as grievously and intrinsically dangerous to the faith and morals of Catholic youth; and they declare that to Catholics only (and under the supreme control of the Church in all things appertaining to faith and morals) can the teaching of Catholics be safely intrusted. Fully relying on the love which the Catholics of Ireland have ever cherished for their ancient faith, and on the filial obedience they have uniformly manifested towards their pastors, the Bishops call upon the clergy and the laity of their respective flocks to oppose by every constitutional means the extension or perpetuation of the mixed system, whether by the creation of new institutions, by the maintenance of old ones, or by changing Trinity College, Dublin, into a mixed College."

At a meeting of the same persons at their Marlborough Street Cathedral, on the 17th of August, 1871, they said—

> "We hereby declare our unalterable conviction that Catholic education is indispensably necessary for the preservation of the faith and morals of our Catholic people. In union with the Holy See and the Bishops of the Catholic world, we again renew our often-repeated condemnation of mixed education as intrinsically and grievously dangerous to faith and morals, and tending to perpetuate dissensions, insubordination, and disaffection in this country."

Now, that was the condition under which this University, which had been founded for the purpose of offering a good education to Roman Catholics, had struggled on; and was there any hope that it could succeed? And lest there should be any doubt in the minds of the Roman Catholics of the views of their hierarchy, the following resolution was appended to the previous declaration—

> "These resolutions will be read on the first convenient Sunday at one of the public masses in each of the churches and chapels of this kingdom.—Dublin, October 20, 1871. Signed, Paul Card. Cullen, Archbishop of Dublin; George Conroy, Bishop of Ardagh; James M'Devitt, Bishop of Raphoe, secretaries."

The right hon. Gentleman at the head of the Government admitted when he introduced this Bill that one of the main grounds of the comparative failure of the Queen's University arose from Romish Episcopal interference; but he seemed to attach greater responsibility for that comparative failure upon the denunciations pronounced in this House by Sir Robert Inglis upon the occasion of the passing of the Bill for the establishment of the Queen's Colleges. Now, he (Mr. C. E. Lewis), would ask, did the House for a moment believe that the Roman Catholic population of Ireland would count as a feather's weight the opinion of Sir Robert Inglis on such a subject as this? Was that observation introduced by the right hon. Gentleman as a kind of salve to the Roman Catholic Prelates, whose interference he had just referred to? It seemed to be asking the House to believe too much, when the right hon. Gentleman asked them to believe that the comparative failure of the Queen's University among the Roman Catholics arose from any interference or any denunciation from the well-known Popish Bishop, Sir Robert Harry Inglis. The right hon. Gentleman did not like to place the religious grievance before the House as a purely Roman Catholic grievance, and he accordingly said it was also a Presbyterian grievance. They all recollected with what considerable pomp and circumstances the Petition was presented at the Table of the House from Magee College. The right hon. Gentleman was not content to place the Petition on the Table—it was signed by two persons, representing only 40 at the most—but he evidently thought that he had got hold of the representative Body of the Presbyterian Church in Ireland. He (Mr. C. E. Lewis) did not pretend to represent the Presbyterian Body in Ireland, though he happened to have a large number of them among his constituents; but he had not the slightest doubt they would hear in the course of the debate from the hon. Member for Belfast (Mr. W. Johnston), who could claim to have a close representative connection with that body—a distinct and authoritative statement of their opinions on this subject. But they were not altogether without documents which would enable the House to judge how far the Prime Minister had got hold of the right horse when he supposed he was riding the Presbyterian horse to the winning post on this occasion. The Presbyterian General Assembly had, upon the education question at Trinity College, a standing committee, which was not appointed with reference to this Bill, but had its origin so far back as 1868. The standing committee met on the 24th of February last. There were 12 persons present, and in the division on the resolutions there were 7 in favour and 3 against, and 2 of the 3 were Professors of Magee College: the Moderator of the General Assembly, who was well known as a leading Liberal politician and a strong supporter of the right hon. Gentleman at the head of the Government, did not vote. The following were among the resolutions adopted:—

> "5. We object to the recognition by the State of Denominational Colleges as a part of a National system of University education, and to the affiliation of such Colleges with the University of Dublin. 6. We object to the representation of Denominational Colleges, as such, upon the Council of the proposed University of Dublin. 7. We object to the exclusion of Modern History and Mental and Moral Philosophy as subjects of examination for the rewards of the University. 8. We object to the proposal to dissolve the Queen's College in Galway, and we believe that the Queen's Colleges and the Queen's University cannot be held to have had a fair trial until Government shall have established a proper system of Intermediate education in Ireland."

That was the utterance of the standing committee of the General Assembly. The House was aware that the Presbyterian body had a large Theological College in Belfast, immediately opposite Queen's College. It was a place where most of their ministers were trained. So largely had the Presbyterian body used Queen's College in Belfast, in accordance with the leading principles of their Church, that between 1865 and 1871 no less than 471 Presbyterian students entered Queen's College, Belfast, alone, and during those six years the greatest number of attendance of Presbyterian students in one year was 285, and the lowest 214. He thought that arithmetical evidence which was well worthy of being placed against that of the right hon. Gentleman. The right hon. Gentleman said they had nothing to do with the question whether the objections of the Roman Catholics to the present system of University education in Ireland were right or wrong—the question, he said, was whether it was, right in us, or wise that Roman Catholics should be excluded from University training? He did not put his case as one of justice to those who were suffering from some religious disability. His case was, that something should be done for persons who denied themselves privileges which the Legislature had conferred upon them, merely because they had some particular object connected with their own religious community. That, the right hon. Gentleman said, was a reason for the House to interfere on the footing of a grievance actually proved. But what would be the result of the admittance of such a principle as that with reference to other educational questions that might come before the House? Let it be tried with reference to national education in Ireland, and then the Roman Catholic Bishops, who had endeavoured for years to keep the children of Roman Catholics from the National Schools, would establish another grievance, which would entitle the right hon. Gentleman to come to the House and ask them to alter the system of primary education in Ireland. Therefore, as the right hon. Gentleman himself said, the course which Parliament might take in regard to this Bill, and the principles it might adopt for its own guidance, would be of the utmost importance when any Government came to frame a measure for the intermediate schools of Ireland; for if they admitted in this case that the Roman Catholics had a grievance, the Roman Catholic Prelates would then come forward and demand the establishment of denominational intermediate schools. He would warn hon. Gentlemen on the Ministerial side of the House that if the principle of the right hon. Gentleman were acted upon with reference to Ireland, a demand would be raised to apply the same principle to England; for the members of the Church of England were equally entitled to say that it oppressed their consciences to send their children to purely secular schools; and if they admitted that in their dealings with Irish education—the basis of grievance laid down by the right hon. Gentleman, they could not possibly apply a different principle in dealing with the English education question. But he had no doubt that *obsta principiis* would be the motto of hon. Gentlemen opposite, and that they would do their utmost to prevent the establishment of a denominational system of education in Ireland. Once for all, he must state what he felt on this subject, and that bound him to oppose the Bill in its main feature. He asked himself was the grievance proposed to be remedied a real grievance, and was the remedy propounded for it a just and proper one? The Bill was composed of two parts, a destructive and a constructive part; and each was equally objectionable. It really destroyed the ancient University of Dublin and erected a new one; for what was left when you took away the entire Governing Board of a University and all its Professors? The right hon. Gentleman had borne testimony to the high character of Dublin University. Why, therefore, destroy it? Then, though the right hon. Gentleman admitted that the influence of the Queen's University was unmixedly good as far it went, he proposed to destroy this University also. He could not understand the right hon. Gentleman's argument with reference to the weakness of the Queen's University, and the manner in which he proposed to remedy it. He said it was weak now; take away Galway College and the University would be weaker than it was before, and therefore he proposed to destroy it altogether. As to its want of representation, which the right hon. Gentleman lamented, he could readily rectify the want. For the last three years Ireland had been deprived of two of its Representatives; and, instead of destroying the Queen's University, in order that it might share in the representation of the University of Dublin, he need only give to it one of the seats taken from Sligo and Cashel. The proposed excision of Philosophy and Modern History from the course of examination would bear with peculiar hardship upon the Presbyterian body, whom the right hon. Gentleman so much respected and so desired to conciliate. He would explain how that was. Hitherto that body had encouraged all students to graduate, and would not accept a degree as a qualification for the Theological College unless it included Ethics, Metaphysics, and Logic. If Philosophy and Modern History were excluded from the University course, few Presbyterians would go up for their degree, and would, consequently, have to fall back upon the Examining Board of their own Church; so that, instead of increasing the number of University students by cutting off these two subjects of study, the right hon. Gentleman would diminish sources of supply now in existence, in the hope of creating a source of supply which only existed upon paper. In other words, the right hon. Gentleman proposed to injure one class, who were partaking liberally of the means of education provided by the State, in order to meet the prejudices of a class who had rejected these facilities and say they will continue to reject them. The Returns relating to the three Colleges showed that out of 200 Roman Catholic students 64 attended the Philosophy class, and out of 545 Protestant students 169 attended it; so that the proportion of Roman Catholics attending the class was slightly greater than that of Protestants. Thus it appeared that, notwithstanding the anathemas levelled at them, no religious difficulty or grievance prevented Roman Catholic students from making use of the Philosophy class just as the Protestants did. Then, as to the suppression of the Galway College. In establishing these Colleges, Sir Robert Peel placed one in Ulster, in order to meet the wants of the great Protestant community in the North of Ireland; he selected Cork in the South as a fit place in which to provide for the educational wants of the great Roman Catholic community in the South; and, lastly, he placed a College in Galway to meet the wants of Roman Catholics in the West of Ireland. Why did the right hon. Gentleman at the head of the Government seek to disturb the equilibrium of educational supply thus wisely arranged? When the tempest raged against the whole of the Queen's Colleges Galway sank to the lowest position; just at the time when comparative peace reigned Galway revived; and there was not the slightest ground for supposing that Galway had been such a complete failure as to justify its destruction. Passing from the destructive part of the Bill, he came now to the constructive portion:—and if the destructive part of the Bill was objectionable, the constructive part was more objectionable still. The Bill provided a Governing Council, to be composed of ordinary and collegiate members. He did not know which form of appointment was the more injurious. For 10 years there would be no alteration with regard to the ordinary members, and seven years more would elapse before the Council would shed its original skin. Thus for 17 years the University would work more or less under the influence of the nominees of the Government—he used the words "nominees of the Government," because the phrase used in the Bill, "nominated by the Crown," is a mere euphemism. Was this the way to start a new University—to fetter it with a Government nomination for 17 years? He did not for a moment mean to insinuate that the right hon. Gentleman did not intend to make these nominations fairly; but had not the University a right to look for a free and unfettered existence? Why should Ireland be supposed incapable of electing proper persons upon the Council? "*Fiat experimentum in corpore vili*" seemed to be the principle on which the right hon. Gentleman acted; but he (Mr. C. E. Lewis) maintained, on behalf of those who formed part of the University system in Ireland, that they ought to be trusted by the Legislature with the same powers as were given to the English Universities, and ought not to be kept in swaddling clothes. Moreover, the House was in entire ignorance of the principles on which these twenty-eight members were to be selected. Was there to be a nice balancing of denominations upon the Council, having regard either to the relative population, or the relative social status, or the relative possible supply of students from each denomination? Were the interests of higher education to be regarded, or the interests of sects? Were eminent and prominent divines of each Church to be included, or *ipso facto* excluded? This was a most important question; but the right hon. Gentleman, whose answer, by anticipation, no doubt, possessed considerable weight, was silent respecting it. Would the oracle of the Treasury Bench open his mouth and enlighten the House on this subject? If academical distinction alone were to be regarded, would it be contended that the Bishops and religious leaders, who demanded to have control over these young men from first to last, would be satisfied with the Bill? Would they not commence an agitation the next morning after the Bill passed, with the design of uprooting the principle on which it was founded? The justification for the present Motion was, that it was necessary to have the great lines of the Bill marked out on the Council, in order that the House might judge whether there would be the least chance of the success of the measure. The most pernicious provision of all in the Bill was that relating to the collegiate members of the Council. The Bill contained no description of the character of the Colleges which were to be admitted—there was no limit to their number;—and although under stress of bad weather the right hon. Gentleman came down to the House that night to suggest certain changes in their constitution, he would ask the House whether those changes were satisfactory? The affiliation of denominational Colleges to a National University was an anachronism and an anomaly which the House ought not to sanction, because it was the introduction of denominationalism in its worst form into the Governing Body of the University. The twenty-eight members of the Council nominated by the Crown would probably be men of high standing, perhaps in the Church, but certainly in the State. They would be unable to give their time from day to day, and would pay only a fitful attention to their Council duties. But it would be otherwise with those who represented the denominational Institutes and Colleges. Nine out of ten of them would be eager ecclesiastics, and would make it a point of honour and duty to attend every meeting; and the uppermost element—the active and attendant element—would be always found in its place in the Council; and thus the Bill would give a denominational character to the University which was not designed by its promoters. This seemed to be one of the most important objections to the Bill. What were to be the duties of the Council? They were to appoint Professors, to affiliate Colleges, and to prescribe the subjects for examination for degrees, and for all University honours and emoluments. Then, what was to be the mode of their election? Many Members of the House who had been connected with the Universities must be surprised to find that the election was given to the students and not to the graduates—to the tyro of yesterday, in fact, who had just passed his examination, and was newly added to the muster-roll. Any College having 50 students was to be entitled to return one member to the Council. The right hon. Gentleman would, perhaps, say that they must be matriculated students of the University. The right hon. Gentleman at the head of the Liberal party proposed to return to the old close small-borough system in the election of the members of the Council. He seemed to have "returned to his old love," and saw in the old close corporation the model of a representative body. Trinity College with 500 members, and Cork and Belfast with 500 or 600 more would only be entitled to four or six members; while six small Colleges, with an aggregate of only 300 students, would be entitled to return the same number as the other three with 1,000 or 1,100 members. In these days of advanced reform, when they heard so much of the equalisation of the county and borough franchise, was that the sort of proposal to be placed before the House by a Liberal Minister in order to secure a fair representative body for the new University? If hon. Members would take up *Thom's Directory* they would find not less than 20 so-called Colleges, every one of which would be able to qualify itself by getting 50 students, and would then be entitled to return one member to the Council. That was a state of things most improper, and which would never receive the sanction of the House. This was not a case of the Minister of the Crown coming forward and saying—"Here is a portion of Her Majesty's subjects suffering wrong, and we must do them justice." The right hon. Gentleman carefully guarded himself, and said he would not discuss the question whether they were right or wrong—he would not ask whether it was more than a sentimental grievance that was complained of. The persons, however, for whom he would provide a remedy said they would not have it. The Roman Catholic Prelates rejected it with scorn. Of course, they would not be bound not to agitate if this Bill passed. They would take it, and thank the right hon. Gentleman for it, and then begin a new agitation the next day. The real object of the Roman Catholic Prelates was not to have the power of granting degrees, but to obtain educational endowments for their Colleges. That could be proved by documentary evidence. In the year 1866, 29 Roman Catholic Prelates signed a letter to Sir George Grey which left no doubt on this subject; and in 1868 Bishops Leahy and Derry addressed a letter to Lord Mayo which was equally explicit. He did not think it desirable, as he had addressed the House at such a length, to go into the question of academical training; but he would ask the House to consider, in conclusion, whether the efforts of the right hon. Gentleman to meet the so-called grievance of one portion of Her Majesty's subjects would not tend entirely to alter and subvert the system of National Education in Ireland, and whether it would not lead the House into inextricable confusion and inconsistency? What he asked the House to do was not to take a step backwards by passing the Bill before it, but to set down its foot firmly and uphold the system, carried out by sucecssive Ministers for 40 years, of that undenominational education which had already produced so much fruit in Ireland by allaying sectarian bitterness, and by drawing together classes of the community who had hitherto been kept apart. Otherwise they would be reversing a most beneficial course of legislation.

Mr. OSBORNE MORGAN said, that the Amendment before the House was nothing more nor less than a Vote of Censure, and never had a Vote of Censure been based on so narrow a ground. It was a mere attempt to run away from the main issue. He should therefore follow the example of the eloquent speaker who had just sat down, and pass from the Motion to the Bill itself. He had never heard so many objections to any measure in the same space of time, but he was consoled by the thought that they could not all be right. It would be impossible that a Bill should be at the same time denominational and godless—that it should be destitute of all religious education and confer an advantage on one particular sect. Thus one objection neutralized the other. The

Bill being essentially a compromise, perhaps one of its greatest merits consisted in the fact that it absolutely satisfied nobody, and he would now state why, although he disapproved some of the details of the measure, he meant to give it his support. It seemed to him that the Bill combined the greatest possible amount of concession to the Roman Catholics with the strict maintenance of the secular principle in State education by combining voluntary denominational Colleges into a State-supported undenominational University. Certainly, he thought none the worse of the Bill because it was repudiated by the Roman Catholic Prelates. Indeed, if it had received their unconditional approval he should believe there was some mischief lurking within it. The majority of Englishmen and of educated Irishmen regarded this question of education from an entirely different point of view from that taken by the Roman Catholic hierarchy, who thought the function of a University was to educate good Catholics and sound Churchmen, whereas the former thought its function was to educate sound scholars and enlightened citizens, and, therefore, the two parties were moving upon lines which, if prolonged to all infinity, would not meet. He went as far as any man in claiming justice and equality for his Roman Catholic fellow-subjects, who, however, were not content with "a fair field and no favour," but wanted exclusive possession of the field for themselves. Admitting that the Irish Roman Catholics did not get their fair share of University education, he was willing to redress their grievance, to give them their own Colleges, and to let them have their own religious instruction, worship, and discipline. He would also admit them to degrees; but he was opposed to the standard of University education in Ireland being dragged down to the level of Stonyhurst or Maynooth. Neither would he consent to vote a penny of the public money for endowing a Roman Catholic University, which, from the very nature of things, must become a nest and nucleus of Popish propaganda. Any Bill which proposed such an endowment would not have the smallest chance of passing, and no Government could retain its seat which proposed it. It might be urged that, if the English Parliament would not grant the only thing the Irish hierarchy wanted, it would be useless to propose any measure for removing the Roman Catholic grievance, and there would be great force in this argument but for the circumstance that there was growing up outside the sacerdotal pale an element which was strengthening every day—a lay Catholic opinion, which he believed regarded such questions as these very differently from the Roman Catholic hierarchy. Looking at the Bill as it affected academical institutions in Ireland, it seemed to him that the institution which had the least reason to complain was Trinity College, Dublin. It kept four-fifths of its endowments; it retained its educational machinery, and it would be its own fault if it did not get the lion's share of the endowments of the new University as well. Was it to be supposed that that College, with its historical traditions of 300 years, its revenue of £50,000 a-year, its magnificent Fellowships, compared with which the prizes of Oxford and Cambridge were only a paltry pittance, could not hold its own against the Roman Catholic University, with its seven students, or Magee College, of which until the other day he had never heard? It seemed to him that the new Colleges would not be unworthy of their elder sister, and that Trinity College would, as the best Colleges at Oxford and Cambridge did, derive benefit from the healthy rivalry between College and College; but, if the worst should happen, Trinity College would get something like a monopoly of the new endowments amounting to £50,000 a-year, so that giving up £12,000 a-year was the best investment that Trinity College could make. As to the opposition of the Queen's University, on the other hand, he was disposed to sympathize with the objections it made to the Bill; because, under its provisions, the Queen's Colleges would be in danger of being left out in the cold. The new University would be located at Dublin, while the Queen's Colleges would be at Belfast and Cork, and he did not know how his right hon. Friend at the head of the Government proposed to combine a Professoriate in Dublin with bodies of students located in provincial towns. Of course, if the proposed University were to be a mere examining Board, the objection would be idle; but, according to the Bill, it was to be a teaching University, and this disadvantage would weight the Queen's Colleges unfairly in the race, even if it did not prove fatal to them. What, he asked, would become of the University of Oxford if Baliol were located in Cumberland, Exeter in Norfolk, and Lincoln in Cornwall? There were some points in the Bill which required amendment, and its worst feature was the entire suppression of the Galway College. That institution had only been in existence for 23 years—a very short period in the life of a University—and it had not been in working gear for anything like that time. Yet, although from its infancy it had been placed under the ban of the priesthood, and although it was situate in the poorest province of poor Ireland, it had achieved a very respectable success. No less than 94 students presented themselves in a recent Session for matriculation, of whom 31 were Roman Catholics and 29 Episcopalians; the rest fairly represented other sects. Last Session 60 students presented themselves, nearly one-half of whom were Roman Catholics. This represented a very respectable success, and induced the impression that the proposals of the Government with regard to Galway were harsh. He also objected to the quasi-penal clauses, which were intended to fetter the teaching power of the Professors; either they went too far, or did not go far enough. A Professor who taught Newton's *Principia*, which, he believed, was one of the books in the *Index Expurgatorius*, might be brought under their operation. Besides, they opened the door to great disputes between the examiners and candidates. The effect of the clause excluding from the examination moral philosophy and modern history would be to exclude these branches altogether from the whole University curriculum, as students would study only those subjects which were imperatively required. As an Oxford man, he considered these two subjects worth all the other subjects of learning put together. It was being held now-a-days that there was no such thing as modern history as distinguished from ancient, and that all history was continuous—at least, that was Mr. Freeman's theory; but, under the clause, the first part of *Gibbon* would be ancient, and not modern history, so that it would allow a Professor to teach and the University to examine in the 15th chapter of *Gibbon*, and not in the Wars of the Roses. He thought some restriction ought to be put on the number of Colleges that might be affiliated; and as regarded the system of government, although his prejudices were all in favour of self-government, he was convinced a self-governed national University could not prosper in Ireland. If the members of the Governing Body were elected by the Council itself, or by the Senate, the Council Chamber would be a perpetual battle-ground for contending sects. He did not, therefore, object to the proposed form of appointing the ordinary members of the Council: but surely it conld not be intended that Trinity, with her 500 or 600 members, should have no more than double the representation on the Council, of any College able to scrape together 50 students who were not even required to be graduates? So much for details; and as for the more immediate question of the Amendment, he submitted that if the Bill were as radically bad as had been described, it would be better to kill it at once. A coalition between the English Conservatives and the Irish Home Rulers—between the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) and the hon. Member for Westmeath (Mr. Smyth)—might prove fatal to the Bill; but would that result be creditable to those who produced it, or to the House? He insisted that the burden lay on those who opposed the Bill to propose some working alternative, and the only alternative before them was the scheme of the hon. Member for Brighton (Mr. Fawcett), which did not solve the question, and would not satisfy the Catholic laity. Any solution of it must proceed on the lines of the Government measure, and involve a combination of self-supporting denominational Colleges into a State-supported national University, undenominational in its character. Mr. Lecky had, in a recent work, prophesied an early abatement of sectarian animosity in Ireland, and there were other reasons why the present was an auspicious moment for settling this question. They had a Government peculiarly qualified by its academical experience to deal with the question, and both the Irish and Scotch Universities were well represented in the House. With such aids he thought they might establish a University in Ireland worthy of the country of Sheridan, and Grattan, and Burke.

The O'DONOGHUE said, he believed that great responsibility attached to all that they might say or do in reference to establishing a University for Ireland, and that the measure before the House was one which, from its character, commanded at least a qualified approval and an unbiassed consideration of its provisions; but there were other reasons which induced him to consider and receive it favourably. Her Majesty's Government had laboured assiduously to promote the well-being of Ireland; they had done more for the general welfare of the great body of the Irish people than any Administration which ever existed, and he had no doubt that the spirit which had animated them in the past had also induced them to undertake the task of Irish University reform. But while he gladly gave them credit for the best intentions, he was bound to consider what effects the measure might have in the eyes of those whose views on education were based upon principles which were immutable and incapable of compromise. The House had been assured, on the highest authority, that external influence had nothing whatever to say to the preparation of this Bill. The Government wished it to be clearly understood that they had been actuated solely by their sense of public duty, and no one would be more unwilling than he to impugn that statement. But whatever the cause might be, this Bill had been so contrived as to include within its scope and give practical effect to the various crotchets and hobbies into which all sections of the community were divided on the education question. The Protestant Episcopalians were to a considerable extent satisfied because they saw Trinity College lavishly endowed. The Presbyterians were satisfied because they saw the mixed system established, and the consequent exclusion of ecclesiastical control, and because they saw no provision for the endowment of an institution where the Catholic youth of Ireland could be educated under the supervision of the authorities of their Church. In his judgment, all had some reason to be well pleased except the 4,000,000 of Catholics for whose benefit the measure was especially designed, and whose position with respect to University education had been acknowledged by the right hon. Gentleman to constitute a great religious grievance. This was a most important statement, considering the quarter from which it emanated—a statement, in fact, of incalculable value. It placed before the House with the utmost distinctness that the object of this Bill was to relieve a great religious grievance of 4,000,000 Irish Catholics, but for whom we should never have heard of it. The weight of evidence was entirely with the right hon. Gentleman, who had clearly established a case for legislation on the admitted basis that the Catholics had insuperable conscientious objections to all existing systems of University education in Ireland. It might not be amiss if he reminded the House that it was about to legislate in this matter for the Irish Catholics almost exclusively. The Episcopalian Protestants and the Presbyterians had no educational grievance. The former had Trinity College, the richest in the world, a denominational institution; the latter had the College of Belfast, also denominational, largely endowed by the munificence of Parliament; while the Catholics, who constituted the Irish nation, had not succeeded, after years of agitation, in obtaining State recognition for a Catholic College, and did not receive one single shilling for the purpose of higher education, but were left with regard to that education in a position which the Prime Minister had declared to be "miserably bad, scandalously bad." Even should this Bill pass, Trinity College would still be the richest College in the world, still essentially denominational; and whatever deductions might be made from its colossal revenues would be more than compensated by the advantages, placed by the Bill within the reach of Episcopalian youth. The Presbyterians would have the College of Belfast, also denominational, amply endowed, and with a corresponding increase of prizes within the reach of their youth. The Catholics would retain what they possessed—that is to say, nothing—to which would be added the privilege of competing with their countrymen, and possibly with all the world, for some Fellowships, exhibitions, and bursaries, possibly a few Professorial chairs, and the barren honour of being represented on the Governing Council by two or three gentlemen of well-ascertained flexibility. So far, therefore, as Protestants and Presbyterians were concerned, this was an admirable Bill. That Government were perfectly well aware of the state of public feeling in England and Scotland on the subject of University education, and of the state of feeling in Ireland on the same subject. They took the only prudent course open to them. They could not call into consultation the Representatives of England and Scotland without extending their invitation to those who represented Irish opinions, and, accordingly, they excluded all from their deliberations. But the Government well knew that between the Liberals of England and Scotland and the Roman Catholics of Ireland there was an irreconcilable difference on the education question. The English and Scotch supporters of the Government, but for the secrecy to which they had resorted, would have shouted in their ears, as they valued their confidence, that they should establish the mixed system; while the Roman Catholic Members would have insisted with equal determination that they should establish and endow denominational education in Ireland. They did not arrogate to themselves authority to dictate to the people of England and Scotland in the matter of education, but they claimed the right, which Englishmen and Scotchmen would not relinquish, of deciding for themselves in all matters connected with the education of their children, as they should think proper. This language was not stronger than the occasion required. The privacy in which the Government had shrouded their deliberations had postponed the difficulties of their scheme, which were inevitable, and which now met them face to face. The Government ought to have recollected that this Bill was not intended for Englishmen or Scotchmen, but for Irish Catholics; and that of all subjects education was the one on which the Catholic conscience was most susceptible. They should have recollected that Ireland had to be treated exceptionally, and in accordance with the feelings of her people. On a question of this nature, he maintained that a majority of that House had no right to interpose its veto, except where acquiescence in their wishes was calculated to shake the stability of the Union. He could conceive no other conditions on which union would be tolerable. Was not the education of their children one of the most sacred and intimate of their concerns? And might they not take their own course in regard to it without endangering the safety of the Empire? It was a fundamental principle of their faith that religion and education were inseparably connected. They desired that the education of their children in all its branches should be under the entire control and supervision of the clergy. On what grounds could their demands be refused? Could it be maintained that the intellectual results of the denominational system were inferior to those of the mixed system? He objected to this measure, not on account of what it did for the Episcopalian Protestants and Presbyterians of Ireland, but because of its most flagrant omission—because it made no provision for the endowment of a firmly-established College or University to be the centre, seat, fountain, and guardian of Catholic education. That was what the Catholics of Ireland, lay and clerical, required; and he ventured to assert that with nothing short of that should they be content. Irish Members would have the satisfaction of having done their duty in placing before the House the wishes of their constituents, and the House must be responsible if they annulled the constitutional privileges of 4,000,000 of people, and set at defiance their expressed opinions in matters which exclusively concerned interests of their own. For his part, he had always voted with the Liberal party; but, if on this occasion he had to separate himself from them in opposing this Bill, he believed he was still adhering to those principles to which he had always been faithful, and that it was the Liberals who were doing violence to those opinions.

Lord ROBERT MONTAGU [*The Times report*] said, the noble Lord the Member for Calne had remarked that he considered this question one of the greatest public importance, and in that opinion he concurred, because the question involved the whole future history of Ireland. We cried out for higher education where there was none, because it raised the people, and without it they were degraded. The question involved was no less than this—whether Ireland was in the future to be contented and to be raised in the scale of nations, or whether she was always to remain discontented—a thorn in our side and a danger in case of war? He looked on that Bill very much as he did on the *Alabama* arbitration, as a step in the right direction—as an attempt to do what was right and beneficial to the country, though somewhat bungling in the way in which it was carried out, and not performing all that they desired it should effect. He did not blame the Government altogether for that, but ascribed it to our Parliamentary system. If Lord Palmerston had been there and had been consulted on that Bill, he would have said that he hated the bigotry of secularism, that he did not care one whit for the religion of denominationalism, but that there was one thing he loved and revered—namely, a majority. He did not believe the present Prime Minister would have said a thing exactly like that; but he had no doubt that in the preparation of the Bill the right hon. Gentleman had heard it urged that if he did this and did that he would not secure a majority in the House of Commons. It was a vice in our system that the person who had studied the subject in all its details, and knew what was best for the country, found himself thwarted by the 666 Gentlemen who came to that House to legislate the moment the shooting was over. But if the right hon. Gentleman failed in carrying his Bill, he would have worked a great change in public opinion, and prepared the way for more successful attempts in another year. The Conservative party had always held the doctrine that learning was but a means of education, and that the essential thing was training, the forming of the mind, the acquisition of moral and religious habits. To secure that they must have denominational Colleges, because those Colleges stood *in loco parentis*, and were bound to teach moral and religious habits. If Conservatism meant anything, it meant resistance to revolutionary doctrines, and the inculcation of respect for authority. The late Lord Clarendon, in a letter to Dr. Murray, said the Government would fail in its object in training the youth of Ireland to be good men and loyal subjects, if religious instruction and moral conduct were not duly provided for and guarded by every precaution which the most anxious solicitude could devise. If the Irish people were apt to take up with Fenianism and other political agitations, it was because they had not made them loyal subjects by giving them the religious education they desired. That father of Conservatism, Mr. Pitt, in 1799 proposed a union of the Legislatures of England and Ireland, and, as a necessary consequence, the granting to Irish Roman Catholics of all the rights and privileges enjoyed by their Protestant fellow-subjects. Part of his scheme was an adequate and effectual provision for the Catholic clergy. It would be well for the puny Conservatives of our days to try to imitate that policy. Again, in May, 1805, Mr. Pitt, recurring to the same subject, said—

> "My idea was to render the priests dependent in some sort upon the Government, and thus links, as it were, between the Government and the people."

At that period there was a State Church in Ireland—*i. e.*, the principle of the State treating all religions on an equality was denied. Now that principle had been affirmed, and therefore the argument in favour of Mr. Pitt's views was now all the stronger. On the 13th of February the present Prime Minister asked—

> "Do we intend, or do we not intend, to extend to our Roman Catholic fellow-subjects the full benefit of civil equality on a footing exactly the same as that on which it is granted to members of other religious persuasions?

The House then expressed its assent by cheers, and the right hon. Gentleman conjured it on grounds of "generosity and policy" to "hold that opinion boldly and frankly." No doubt it was hard for the British House of Commons to look on Irish questions with Irish eyes, but it could look on them in the light of justice and equality, and determine to maintain no invidious distinctions in religion, or to make conscience a bar to advancement. The Protestant majority of that House should act upon the golden rule of doing to others as they would be done by. Supposing "Home Rule" bore sway in Ireland, how would the Protestant minority there like their rulers to treat them? In regard to higher education in Ireland, both sides of the House had admitted the existence of a grievance. The right hon. Member for Buckinghamshire practically admitted it in 1868 when he mooted his scheme. The right hon. Member for Buckinghamshire showed his foresight by proposing to give a charter to a Catholic University in Ireland, which was the only reasonable solution of the difficulty, and the House of Commons showed its want of foresight by opposing it. The Prime Minister had admitted the existence of a grievance which prevented a large number in Ireland from taking advantage of higher education, and he had described the state of education as miserably bad, though the people had always shown a desire for learning under all their difficulties. He had spoken of Trinity College and the Queen's Colleges as declining, while Maynooth was advancing. He might have added that a Catholic University had sprung up in a marvellous manner in the last few years and was increasing in numbers, and that the Catholic Colleges were increasing. Where religion was part of education Colleges increased, and where it was banished they declined, because the people would not have such education. The course to be pursued, if the object was the spread of education, was therefore plain. The Prime Minister's speech in introducing the Bill satisfied everybody, his speech containing nothing but an exposition of these principles; but the Bill had not proved to be in accordance with them. The mountain had brought forth a mouse, not, he believed, through the right hon. Gentleman's fault, but through the Bill having been curtailed and maimed in the Cabinet. Some might object to encourage any sort of religion but their own, but surely it was unjust to give the Colleges of the minority large endowments—Trinity College having at least £50,000 a-year, and the Queen's Colleges having already absorbed £820,000 of the public money—and to give the Colleges of the majority nothing. Trinity College, moreover, derived its funds from estates confiscated for no other reason than that their owners were Catholics, and the Queen's Colleges were supported by taxes to which the large Catholic majority contributed. The secularization of these institutions would not remove the invidious distinction, for while Catholics might dislike Protestantism, they hated secularism; and whereas they had hitherto objected to Trinity College as Protestant, they would now certainly shun it as godless. The original aim of the Irish national education system, though that system had become denominational through the resistance of Episcopalians, Presbyterians, and Catholics, was the same as that of these godless Colleges—namely, the gradual extinction or smoothing over of religious antagonisms; but that aim had utterly failed, through the determination of the Irish not to attend them; and he believed religious antagonisms were greater than before this mischievous scheme was devised. It had proved equally futile in Germany, for, as mentioned in the Rev. Mark Pattison's report to the Royal Commission, Van Altenstein, a strong advocate and founder of mixed schools and Colleges, was eventually obliged to issue a rescript against them, on the ground that the promotion of tolerant feelings between members of different communions was seldom or never attained. It was evidently unfair to leave the Catholic University, Catholic Colleges, and diocesan, monastic, and conventual schools dependent on voluntary efforts, and to endow institutions which the majority would never make use of. He had been glad to hear the Prime Minister state that the object in constituting the Council was to secure the confidence of the majority and induce Irishmen to resort to the Colleges. He presumed the Government had found it impossible to make it consist of representatives elected by each College, but he begged the House to keep in view no other consideration than that stated by the Prime Minister. If the Council to be appointed did not command the confidence of the people of Ireland the whole scheme of the Government must be a failure. The right hon. Gentleman at the head of the Government assured them that the Colleges were to preserve their autonomy, and were to determine the subjects of examination. That was all very well, but if the examination was to be one-sided—if the results were to depend on the peculiarity of the learning in certain Colleges, while those very peculiarities in another College would prove fatal to the candidate, surely such a system could not stand the test of experience. Moral philosophy was the basis of moral theology; but if the various examiners in moral philosophy were to be allowed to alter the basis, the superstructure must necessarily be altered also. Again, one lecturer in history might tell the students in his class that Henry VIII. was one of the jolliest of kings, and had patted Robin Hood on the back, and another might give that monarch a very different character. They should remember that all disputes and differences of opinion in Ireland did not relate to theological subjects, but had reference to historical events also, such as the battles of the Boyne and of Aughrim. There was another objectionable clause in the Bill—namely, that under which anyone might come up from any part of Ireland to be examined without having to receive any College training whatever. Examination no doubt tended to raise the standard of the schools, but he agreed with the learned Professor the Member for the University of Edinburgh, that what was principally required was training. But ought not the learned Member, when he so stated, to have gone a little further, and said that if College training was the one thing required help ought to be given to the Colleges, and not endowment to the secular University, which gave no training whatever? He had taken his stand on the ground of justice and equality, but there was this further ground—that Ireland was to be brought into sympathy and harmony with England. That fact had been pleaded in favour of the Bill, and why? They had endeavoured to keep Ireland without any higher education at all, and when that could be so no longer, they tried to force upon her a system which she had long and consistently refused to receive. How could they hope to bring Ireland into sympathy and harmony with England by running counter to the principles to which she had been, and would continue to be, true? The Bill of Her Majesty's Government did not meet the admitted necessities of the case. The great majority of the people of Ireland were dissatisfied with it, and, therefore, even if it passed, the agitation would be continued. It had been said that the Roman Catholic Bishops were divided in opinion on the subject. That was not the case. ["Oh!"] They were united in opinion. ["No, no."] There was not the slightest difference of opinion among them on the subject. ["Oh!"] That he asserted as a fact, and there was no use in denying it. [Mr. GLADSTONE made a gesture of dissent.] If the right hon. Gentleman at the head of the Government denied it, let him produce his proofs. He again asserted that the Bishops were of one mind, and he asserted too that an agitation would arise in Ireland which would, perhaps, make England fear. ["Oh!"] Yes, Catholic emancipation had been wrung from the fears of England; agitation had obtained an increase of the Maynooth Grant; the Fenian organization had disestablished the Church in Ireland. ["No, no," *and* "Hear, hear."] The same organization had disestablished the landlords of Ireland. ["No," *and* "Hear, hear."] Let them not wait until dangers in the East and threatenings in the West forced them to grant to Ireland that education which in justice she demanded. By refusing that just demand they were giving the most cogent argument to the Home Ruler, and placing the most powerful weapon in the hands of the Fenians, who would say they had never got justice from an English Parliament, and never would until they obtained it for themselves.

MR. FAWCETT said, that if the Bill they were now asked to read a second time should be rejected, its defeat would constitute, perhaps, the most striking homage ever offered to the eloquence of a statesman. Had they been asked to express an opinion upon the measure at the conclusion of the speech which introduced it, they were so charmed, so dazzled, by the eloquence of the Prime Minister, that no one could doubt there would have been almost an unanimous opinion in favour of the second reading. But experience had taught them, and never had a truth been more forcibly shown than on that occasion, that it was impossible to judge of a measure simply by the speech of the Minister who brought it in, but that the clauses must be carefully studied. Hearing from the Prime Minister that the great object he had in view in introducing the Bill was to promote the advancement of learning in Ireland, he had endeavoured to study the question from that point of view; and, in doing so, he had the advantage of being assisted by many men of distinguished academical position, who were most competent to form an opinion upon its probable influence upon the advancement of learning and upon University teaching. He had been very anxious not to be betrayed either into premature approval or premature condemnation of the measure. It was evident the Prime Minister had devoted so much labour and so much thought to the measure, that it was only due to him his production should receive a corresponding amount of careful attention at their hands. He had, therefore, with the assistance of the friends to whom he had alluded, endeavoured to study the Bill as closely as he could, and, with the permission of the House, he would, as briefly and candidly as possible, lay their conclusions before them. It would be in their recollection that a great portion of the speech of the Prime Minister was occupied in proving that University education in Ireland was not in a satisfactory condition, and that a certain class in that country were suffering under a grievance. Both of these propositions were cordially endorsed—at any rate on that side of the House. It would be strange if he and those about him, who had striven for six years against every obstacle that could be placed in the path of independent Members, to force the question upon the attention of Parliament and the consideration of the Government had not accepted them. They admitted that University education in Ireland was not in a satisfactory condition. But admitting the existence of the grievance—although they gave to it a very different interpretation from that given by the Prime Minister—would the present measure remove that grievance? On the contrary, without doubting the good intentions or the perfect sincerity of the Prime Minister, he thought he could prove that the measure would make the condition of University education in Ireland not more satisfactory, but more unsatisfactory; that it would introduce worse evils than it would cure, and would utterly fail to touch the grievance as stated and as understood by the right hon. Gentleman himself. Never had a measure been introduced into this House which had been rejected with so much unanimity. The very class for whose benefit it was meant were the first to repudiate and reject it. He might be told that the merits of the measure were shown by the fact that it satisfied the extremes of neither party. If it rendered them discontented only, he could admit the force of the argument; but could it be proved that even moderate men in Ireland were satisfied with it? The reason for the general dissatisfaction was easily understood. No principle was consistently carried out in the Bill. It was just one of those compromises on the give-and-take principle, which, intended to please everybody, ended by pleasing nobody. The Roman Catholic Prelates who had condemned it in such uncompromising language had been accused of being illogical, inconsistent, and ungrateful. Without, however, in the least agreeing with their views, he was bound to say the Roman Catholic Prelates had always told us what they wanted with perfect straightforwardness, and we had never been left a moment in doubt as to what would satisfy their demands. It was not they, but the Prime Minister, who had been illogical and inconsistent; for, according to his speech, and, what was more important, according to the provisions of the Bill, the right hon. Gentleman was bound to gratify the demands of the Roman Catholic Prelates, and to give an adequate and proportional endowment to their educational institutions. Before dealing with this subject, he would ask the House to consider those provisions of the Bill which might be regarded as its accessories. First of all, it was proposed to abolish the Queen's University and Queen's College, Galway. As to the abolition of the Queen's University, no one had asked for it. No academic reformer approved it. On the contrary, everyone whose opinion was worth anything, was against it, and the whole experience of every other country was antagonistic to such a proposal. In countries where University education was most prosperous, had obtained the deepest hold, and did the most to form national character and develop the best national qualities, there would be found not one, but several Universities. On the other hand, in countries where education had most declined, this unfortunate plan of centralization had been adopted. If you wished to point to countries where University education had been most prosperous, you would select Germany, with its 20 Universities, and Scotland, a small country, with its four Universities. Now, Scotch Members were generally shrewd enough to take care of their own interests; but he would warn them "that coming events cast their shadow before them"—and if they were induced to vote for this centralising policy in University education, where would their four Universities be in 10 years time? They would be amalgamated into a Central Board, the creature of political nomination, with a political officer presiding over it—possibly the Lord Advocate. France had only one University, and every writer on the subject regretted it. Belgium was in much the same position, and a high authority said—"It causes the Professors to conform to a uniform standard, and by degrees it stifles initiative, and the genuine spirit of research." The proposal to abolish the Queen's University was indefensible from every point of view. It would stifle wholesome competition. Everyone who knew anything about our English Universities knew that their condition would not be so satisfactory were it not for the stimulus one University gave the other. Cambridge would not be in so satisfactory a position were it not for Oxford and London; and so with Oxford and London. But indefensible as it was to abolish the Queen's University, the proposal to abolish Queen's College, Galway, was more indefensible still. He could not help repeating the complaint of the noble Lord the Member for Calne (Lord Edmond Fitzmaurice), that the Prime Minister, in describing Galway College, did not quote the figures for the last year, which happened to be one of the most prosperous years in its existence. No one could doubt that at the present time Galway was doing excellent work, considering the unfavourable circumstances in which it was placed. It was not resorted to like Oxford and Cambridge by the sons of the wealthy. Those who frequented it were chiefly the sons of small farmers and poor tradesmen. But considering the number of students turned out by this College in the remote West of Ireland; considering their position at the present moment—high up in the English and the Indian Civil Service, pursuing honourable professional careers, or even sitting on the judicial Bench—what would their position have been had not this College existed? And could the House for a moment think of sanctioning this objectionable proposal? Nothing in the Prime Minister's speech did he regret so much as the part in which the right hon. Gentleman estimated the cost of the students in Galway. In the first place, there was a fallacy in his argument. The right hon. Gentleman estimated the cost of each student in Arts at £230; of each medical student, £180; and of each law student, over £300. But he arrived at these results by considering that each Professor's work was solely to be estimated by the number of students who proceeded to degrees, and not by the number he taught. [Mr. GLADSTONE: No, no!] He protested against the whole system of estimating the utility of a system as an auctioneer, a salesman, or an appraiser would estimate it; and we could have little expected such a mode of appraising results from a Prime Minister who, above all others, was distinguished for his high culture and his great scholarship. If the right hon. Gentleman proceeded upon this plan, where was he going to stop? If Galway College were to be abolished, why did the right hon. Gentleman a few hours afterwards recommend Her Majesty to fill up the chair of Pastoral Theology in the University of Oxford? What was the justification of many of the Colleges in the right hon. Gentleman's own University? Last Session 75 students entered at Galway College, which had an income of £10,000 a-year. At Magdalen College only 25 students matriculated, and its revenues were said to be £40,000 a-year. The arithmetical argument, therefore, in favour of abolishing Magdalen College was 12 times as strong as it was in favour of abolishing Galway College. But take the very College of which the right hon. Gentleman was so distinguished a member. The average matriculations at Christ Church, were 70 a-year. This was about the number matriculated at Galway. But compare the revenues of the two Colleges. If, then, the arithmetical argument were pressed to a logical conclusion, the right hon. Gentleman would arrive at some very awkward results. To prove the necessity of destroying Queen's College, Galway, the right hon. Gentleman laid down the extraordinary doctrine that no one was to be considered a University student unless he was a student in Arts; and he added that everybody who knew anything of the Universities would endorse this opinion. Now, he (Mr. Fawcett) emphatically denied the assertion, and most University authorities would confirm his statement. If the Premier's opinion were well founded, what became of the 4,000 Scotch students on whom he dwelt so much? They were not all students in Arts. As he was informed, at least one-half of them were professional students. Moreover, the doctrine of the right hon. Gentleman seemed to him to be opposed to the whole current of University reform. University reformers at Oxford and Cambridge had been trying to establish other schools besides the schools of Art. Yet Queen's College, Galway, was to be sacrificed, forsooth, because it had only so many students in Arts. Accept this proposal of the Government, and Queen's College, Cork, was not worth a year's purchase. The arguments for its abolition were much stronger than those for the abolition of Queen's College, Galway. If they took the test of the right hon. Gentleman himself — namely, the students in Arts; the number of those in Cork at the present time only exceeded those of Galway by 40 per cent, while the population of Cork exceeded that of Galway by 600 per cent. So that a stronger argument could be made out in favour of the abolition of Queen's College, Cork, than of the College at Galway. The truth was, that this proposal to abolish Queen's College, Galway, indicated a settled determination to disparage united education in Ireland, and ultimately to root it out of the land. The Prime Minister's argument was ingenious and elaborate; but when the House considered the circumstances of the country, the poverty of the people, the anathemas of the Church, and the threat of constant Parliamentary interference, instead of these Colleges being a failure, it proved that a strong desire was really felt by the Irish people to participate in the advantages of united education. What do we find upon looking back a few years. The figures quoted by the right hon. Gentleman proved that up to 1865 these Colleges were in a state of progress—from that year they began to decline. Was this an accidental circumstance? In 1865 began the policy of denouncing these Colleges. In 1865 Archbishop Cullen said that those parents and guardians who permitted their children to attend these Colleges were unworthy of the sacraments of the Church, and should be excluded from them. Just at the same time Dr. Derry, the Bishop of Clonfert, declared that those fathers and mothers who persisted in sending their children to receive this kind of education disregarded the warnings, entreaties, and decisions of the Head of the Church, and that those who were guilty of such conduct should be deprived of the Holy Sacraments and the Eucharist. Was there ever a more cruel, cowardly—he would even say a more inhuman—denunciation ever uttered? Why, this Bishop could not have used stronger language if these parents had been sending a daughter to prostitution or a son to some sink of vice. But that was not the worst—these denunciations showed that Parliament had not completely carried out the work of emancipation when it had struck off the fetters which prevented men from enjoying bodily freedom. He regretted to have to say that at the time these cruel and cowardly denunciations appeared they were aided and abetted by a Liberal Government. The period in question was that of threatened Parliamentary interference—the period of the Supplemental Charter for the Queen's University—which they were so anxious to force on that they violated their undertaking with Parliament. That was strong language—and he should not have used if it were his own—it was the language of that master of artistic description, the Chancellor of the Exchequer. These denunciations being hurled by the superior clergy, and the threat of Parliamentary interference being constantly repeated, was it surprising that the Queen's Colleges should somewhat decline? Why he, for one, should not have been surprised if they had ceased to exist altogether. But they had turned the tide. The struggle they had carried on with so much success under such unparalleled obstacles, showed that the people of Ireland, in spite of priestly denunciations, appreciated united education, and he did not believe that the British Parliament would deprive them of this blessing and advantage. He now came to the main provisions of the Bill. First, there was the constitution of the Governing Council. The right hon. Gentleman (Mr. Gladstone) had quoted various precedents to show that the House ought not to ask for the names of his Council. His precedents, however, had been satisfactorily disposed of. What was there in common between the appointment of four or five Boundary Commissioners and a Governing Body which was to control the fortunes of a National University, and to which it was proposed to intrust powers never given to any University Council that ever existed before? What was wanted was impartial men; but the Prime Minister was absolutely silent as to the principle on which this Council was to be constituted. Was he to be guided by men of the greatest academical experience, or was he about to adopt a principle fraught with especial mischief in Ireland, that this Council must necessarily represent not academic learning, but religious opinion? Was it to contain a certain number of Protestants and a certain number of Roman Catholics? But he had a wider and more potent argument against this Council. He objected to having the new University handed over to be the creature of political nominations. The Prime Minister attempted to draw a parallel between this Council and the functions of the Governing Bodies at Oxford and Cambridge. But let the House consider the difference. This Council was to be the creature of political nominations. It would have to appoint Professors, to prescribe the subjects for examination, to subject the Professors to a sort of censorship never dreamt of before, to frame a *curriculum*, to dispose of vast endowments, to decide what Professorships should be established, and to manage everything connected with the University. The Councils of Oxford and Cambridge were not the result of political nomination, but were purely academical bodies elected by the Universities themselves. They were not intrusted with a tithe of these powers. They were simply councils of initiation. They could not appoint new Professors, or increase their salaries, or alter the examinations, or introduce the slightest change into the *curriculum*, without first obtaining the sanction and authority of the Senate of the University. Therefore there was no parallel whatever between the two Councils. But not only would this new Council be the result of political nomination, but it seemed to him that the most extraordinary provision of the Bill was that the Chancellor of the new University should be the Lord Lieutenant of Ireland. He wished for one moment to ask hon. Members what they would think if it were proposed that the English Universities should be presided over by some one who, by the exigencies of party or by faithful voting, had been made Home Secretary or First Commissioner of Works? But, then, it might be said that the Lord Lieutenant of Ireland was not simply a political officer; he was also a Court official. Well, he wondered what would be thought at Oxford and Cambridge if it were proposed that they should be presided over not even by a Home Secretary or a First Commissioner of Works, but by the Lord Chamberlain? The proposal was so preposterous that it would be scarcely necessary to advert to it, if it did not show a settled determination, which ran through the whole of the Bill, to fetter this new University which the Government were going to call into existence by the degrading bonds of political subserviency. And, forsooth, this policy was to be tried in Ireland of all countries in the world, as if every Minister responsible for this Bill did not know far better than he could tell him that, above all things that had caused the misfortunes of Ireland, nothing had done so much to bring her unhappiness as the curse of political subserviency. Trinity College, Dublin, had been a place where honours and emoluments could be won without subserviency to political party, but henceforward it was to be subordinated to a politically created corporation. It was the more necessary to scrutinise the composition of the Council, and to force from the Government the principle that was to regulate its construction, when they remembered the extraordinary powers that were to be intrusted to it. There was to be no check, as far as he could discover, on the numbers of the Colleges which it might affiliate. It might affiliate 20 Roman Catholic seminaries in Ireland. There was no reason, indeed, why it should not also affiliate every Roman Catholic seminary in England and Scotland. But that was not all. What would be the inevitable effect of this facility for affiliation? It would act as an instruction to the authorities of the various educational institutions to enter upon a rivalry of denominational schools, in which the interests of the higher education would be forgotten in order to obtain the denominational majority on the Governing Council. He now came to still more extraordinary provisions. Not only would the Council have to affiliate Colleges, but they would have to enforce a degrading censorship upon Professors. Its members would have to carry out provisions which, as he should presently show, would exclude almost every branch of learning, and they would have to be the administrators of such regulations with regard to examinations that examinations might henceforward become a farce. Never before were such proposals brought forward by any Government, even in the most despotic country, as those proposals to exclude certain subjects from the University *curriculum*, and to impose the most degrading censorship ever thought of upon the Professors. If modern history and mental and moral philosophy were excluded, what is the University going to teach? Why, even the teaching of the favourite language of the Prime Minister would be rendered a farce, as a Professor would not be able to lecture on the most distinguished classical authors. Last week, being at Cambridge, he gave a copy of the Bill to a distinguished lecturer on Aristotle, and without saying a word which might bias his opinion, he asked him to read the "gagging clauses," and to state what would be the result if similar clauses were extended to this University. And here he would, in passing, remark that the rights of conscience were as sacred in England as in Ireland, and that if the rights of conscience in Ireland required this protection, they would soon require the same protection in Oxford, Cambridge, Glasgow, St. Andrews, and Aberdeen. Well, he gave the Bill to the lecturer, saying—"Consider these clauses with regard to your lectures on Aristotle." His reply was—

> "If these clauses were extended to this University, I could never give a lecture on Aristotle without breaking the law."

If the House would excuse him for quoting his own individual experience, he would add that it was absolutely impossible to lecture on political economy without referring to the events of modern history. Take up Adam Smith, for example, glance over ten pages of that great author, and you would find that to teach political economy without referring to modern history made the subject a political farce. Again, the Professors were to be subjected to the most degrading censorship ever dreamt of. He would frankly own—he did not like to be constantly referring to his own experience, but it happened that people could speak with greater force on matters which were within their own experience, and this must be his apology —he could frankly say that there was no position in life which he was likely ever to enjoy that he valued so much as the Professorship he held at Cambridge. Now, if the Prime Minister could succeed in introducing these clauses into the English Universities, he should feel that he could not conscientiously hold his Professorship for a single hour. He would not submit to the degradation. By way of illustration, he would suppose a Professor of Political Economy were lecturing on pauperism. This he could not do without referring to the history of the Poor Law, and he could not treat of that subject without referring to the indigence produced by the breaking-up of the monastic institutions and rendering the Poor Law necessary. If, however, in lecturing he referred to monastic institutions, a student would perhaps write and say—"If you refer to them again you will offend my religious convictions." Now, would any man submit to be called before a University Council —not created by the University, but the creature of political nomination— and to subject himself, without power of appeal, to suspension or any other punishment the University might devise? But this was not all. Examinations would be reduced to an absolute farce, because the Bill said that no student was to suffer any disadvantage for adopting in law, medicine, modern history, mental or moral philosophy, or any other branch of learning—he wondered why the previous enumeration was made— any theory in preference to the received theory. Of course, if there were any questions which a student could not answer, he would say—"I shall not answer that question, because I do not adopt that particular opinion." For example, if a student were asked what was the 47th proposition of the first book of Euclid, he might say—"I cannot answer the question, because I do not adopt the theory that the square of the hypothenuse is equal to the sum of the squares described on the other two sides of the right-angled triangle." This clause would remain a monument of the strange vagaries of distinguished statesmen. He would now call attention to the "gagging clauses," and present them to the House in a very serious point of view. When he said to his hon. Friends around him— "Surely you are never going to pass a Bill by which the teaching of modern history, moral and mental philosophy, is prohibited, while a degrading censorship is imposed on teachers and examiners?" they all said — "Oh, of course, the Government will drop those clauses." Yes, of course, the Government would have to drop them. But the Government could never repair the mischief which their very proposal had inflicted on the future of Irish education. Never, indeed, had there been a truer exemplification of the saying—"The evil that men do lives after them." The House might reject the Bill and repudiate these clauses; but henceforward every priest who desired to cramp and fetter the mind would be able to say—"This is not my opinion. I am not acting in obedience to orders from the Vatican. In telling you that you cannot go to an institution where modern history and philosophy are taught, I am not expressing my own opinion, but am simply giving effect to a policy which has received the sanction of an English Government and the approval of a Liberal Administration." Now, bearing this consideration in mind, it would not be difficult to show that the Bill, if carried, would inevitably prove fatal to united education, and could lead to no other conclusion than the endowment of denominational institutions in Ireland. Everybody knew from the denunciations which had been uttered by Bishops and priests in Ireland what a terrible struggle those Irish parents and guardians had had to carry on, who wished their sons to enjoy a united education. The point he wished particularly to impress on the House was that henceforward that struggle would, in consequence of these proposals of the Government, became infinitely more difficult, and, in fact, impossible; for each priest would now be able to say—"You send your sons to Cork, to Galway, and to Trinity. In those institutions there are Professorships of History and of Moral and Mental Philosophy; but an English Government and a Liberal Cabinet has told you that your conscience cannot be safe in institutions where those subjects are taught, and therefore you are bound to remove your sons from them." Thus, in a few years the enemies of united education, having this weapon to work with, would be able to get almost every Catholic out of Trinity College and out of the Queen's Colleges. What would be the next inevitable step? They would say, and say with truth—"Trinity College has an endowment of £50,000 a-year, and the Queen's Colleges have an endowment of £10,000. In these institutions those subjects are taught, which an English Government says ought not to be taught, if adequate protection is to be given to rights of conscience. Therefore, you cannot safely intrust your children to them. You must come into our own institutions, which possess no endowments. We have a claim to endowments, and that claim it will be impossible to resist." Let hon. Members reflect for a moment on the consequences of destroying united education in Ireland. Was there any Catholic in that House who had been educated in Trinity College, Dublin, who would not bear him out when he said that he must look back on his College career with the utmost satisfaction, and be glad he had been brought into contact with his Protestant fellow-countrymen? Again, was there any Protestant in that House who would not regret to see Catholics excluded from Trinity College? In consequence of being associated together in early life, Protestants and Catholics alike took a kindlier view of life than they otherwise would, and looked with a juster toleration on religious differences. Therefore it was impossible to inflict a greater injury upon Ireland than by encouraging a policy which would place a new and a powerful weapon in the hands of the opponents of united education. The Prime Minister's case rested on the fact that certain sections of the people of Ireland had a grievance in regard to higher education. He (Mr. Fawcett) admitted the existence of the grievance, but thought it admitted of a remedy entirely different from that proposed by the Prime Minister. If, however, the right hon. Gentleman had satisfied the grievance, he was bound to say he should look not too scrupulously into the provisions of the Bill. But he had not satisfied the grievance; indeed, he had not satisfied a single class in Ireland. There was not the poor consolation that any section of opinion in Ireland would be rendered more contented, while it was certain that the Bill contained principles which would produce the utmost mischief. Never before had a measure been condemned by so great a *consensus* of opinion. The Roman Catholic Prelates had repudiated it. The Roman Catholic students in the Catholic University had been the first to repudiate with indignation those safeguards which the Prime Minister seemed to think their conscience required. The Senate of the University of Dublin—that institution which the House had been told was under such galling thraldom to Trinity College—had united with the authorities of the College in protesting against the Bill. The authorities of the Queen's Colleges, too, had protested against many of its provisions; while the Nationalists had said that the measure supplied a conclusive proof that an English Parliament was utterly unfit to govern Ireland. He should, however, be sorry to overstate his case. The Bill, after all, had not been unanimously rejected. Magee College had petitioned in its favour. It appeared to him that there could not be a more conclusive proof of the ill effects which the Bill had produced in Ireland than that the Prime Minister should have been reduced, in order to obtain even the most minute modicum of approval of his measure, to ask that the Petition should be read by the Speaker. [" No, no!"] Then the right hon. Gentleman read it himself. [" No, it was read by the Clerk at the Table."] Well, the Clerk at the Table had at the suggestion of the right hon. Gentleman read a Petition emanating from an educational institution in which the average entry was a student and a-half a-year. There were many other objections which he should like to urge against the Bill, and he would, perhaps, have an opportunity of doing so on some future occasion. But he wished, before he sat down, to guard himself against one reproach which he understood might be urged against him, and which had already been hinted at by his hon. Friend the Member for Tralee (The O'Donoghue). He seemed to think that those who opposed the Bill and who held certain views with respect to University education in Ireland were the victims of a "No Popery" mania. Now, that was an insinuation which he thought they might with some confidence repudiate, for had they not always done what they could to admit Catholics to avail themselves of all the advantages of the English Universities, and to place them on an exact equality with every other member of the community? Roman Catholics were at the present moment unhappily excluded from many positions of honour in those Universities, but that was not his fault nor the fault of those with whom he acted. It was not they, but the present Government who prevented the policy of perfect equality from being carried into effect. As to the Bill there were no doubt many hon. Members who, while they objected to it, would vote for the second reading in the hope that it might be amended in Committee. He wished, however, to point out to the House that there was a practice growing up of treating the second reading of Bills as a matter of no importance. But high as the example set him was, he was not going to do what was done last year on a similar occasion, when a Bill was allowed to pass the second reading, the principle of which afterwards was found to be so objectionable that it was resolved that it must be met with the most determined opposition. If the House voted for the second reading, it voted for the principle of the Bill; and when what were called the "gagging clauses" came on for discussion in Committee, and some hon. Gentlemen were going to vote against them, a Member of the Treasury Bench might rise in his place and say—"What, are you going to oppose these gagging clauses, notwithstanding that you have voted for the second reading, and thus endorsed the principle of the Bill? We told you that this measure was intended to secure the rights of conscience, and these clauses are to secure those rights." For his own part, he thought there was in politics nothing like a clear and intelligible course. It might be said that entertaining the opinions which he did he ought not to be content with voting simply in favour of the Resolution of the hon. Member for King's Lynn (Mr. Bourke), and that he ought to oppose the second reading. Well, he wished there had been a direct opposition to the second reading instead of the Resolution. But of the Resolution as far as it went he approved, and as it was the question before the House he should vote for it. When, however, he had an opportunity, he would act, he hoped, consistently, and vote against the second reading. He trusted, at all events, that the measure would be either accepted or rejected on its merits, and that the decision would not be influenced by collateral considerations. The House was well aware that the judgment even of the most sagacious politicians was sometimes warped by rumours industriously circulated of a Ministerial crisis. Well, what did a Ministerial crisis mean? If such a crisis should arise there would be either a resignation of the Government or a dissolution of Parliament, and it was easy to estimate what would happen when the same persons again returned to office in some succeeding year with principles re-invigorated and restored. If there were a dissolution, some hon. Members might not return to that House; but if it was their lot to be defeated at the poll, they would only be anticipating their fate by a few months. And should they be returned, would it not, he would ask, be infinitely better never to enter this House again than to sanction a measure which would destroy an ancient and illustrious University, and set up in its place a corporation created by political nominees, which would impose on University teaching a censorship to which no man of independence would for one moment submit, which would endorse the principle that the events of modern history and the ideas of some of our greatest men could not be expounded without suggesting the miserable suspicion that the object which the teacher must have in view would be to promote some sectarian squabble, instead of strengthening and developing the minds of his students and extending the range of thought? He begged to thank the House for the patience with which it had listened to him, and he had in conclusion only to express an earnest hope that a measure would not be allowed to pass into law which, so far as University education was concerned, would, in a country already unhappily disturbed and distracted, unsettle everything without settling anything, annihilate much that was good, and call into existence much that was bad, and which would, above all, in the brief but eloquent and memorable words of the Roman Catholic students themselves, "prove fatal to high mental culture?"

THE MARQUESS OF HARTINGTON said, there was one part, at all events, of the eloquent speech of the hon. Gentleman who had just sat down to which he could give his cordial assent. The hon. Gentleman, in speaking of what were called the "gagging clauses," stated that he would feel considerable difficulty in discharging his duties in any University in which they were in force. Now, he never had the advantage of hearing any of the hon. Gentleman's lectures, but he thought he might, nevertheless safely say that if he introduced into his discourses on scientific subjects something of the same tone which was to be discovered in his political speeches, he would be extremely likely to feel the effect of the clauses to which he had referred. He must, with the greatest possible respect for the hon. Gentleman's ability, be permitted to add that he doubted whether he would be exactly the most fitting Professor to lecture on disputed subjects to a mixed audience composed of Protestants and Roman Catholics. The hon. Gentleman stated at the outset of his speech that he had given his best consideration to the provisions of the Bill, in the hope of finding in it a solution of the difficulties which beset the question with which it dealt. Not, apparently, having been satisfied with the solution which it contained, he had spared no means of damaging it and throwing discredit upon it. He did not know with what object at the present stage of the debate the hon. Gentleman had devoted so large a portion of his speech to the proposal to abolish the Queen's College at Galway, seeing that his right hon. Friend at the head of the Government had stated in introducing the Bill, that the abolition of Galway College was not of the essence of the plan of the Government. With what other object, then, except to damage and discredit the proposals of the Government, had the hon. Gentleman devoted so large a portion of his speech to the clause relating to that institution? He was not surprised that his hon. Friend who moved the Resolution (Mr. Bourke), and his noble Friend who had seconded it (Lord Edmond Fitzmaurice) had shown some not unnatural irritation at some parts of the speech of his right hon. Friend in opening the proceedings that evening. Although the hon. Gentleman had set out with the statement that he intended to answer every word of that speech, he had failed to refer to the most essential part of it. The right hon. Gentleman had asked the House, whether in their opinion it would be possible for the Government at the present stage of the Bill to nominate and lay upon the Table the names of the

Council. The hon. Member had shown several very good reasons why it was desirable that the Council should be nominated, but he had not answered that part of the right hon. Gentleman's speech in which he had proved — he thought conclusively—that the thing was an impossibility. The right hon. Gentleman had acknowledged—and all the hon. Members of the Government acknowledged — that it would be exceedingly desirable, and that it would materially assist to pass the Bill, were the Government in a position to lay upon the Table the names of the Council. He would, however, ask whether the second reading was the only stage at which the Bill might be opposed? What was the use of the Report or of the third reading, if the measure might not then be rejected by the House if it objected to the Council as constituted by the Government? He agreed entirely with what had fallen from an an hon. Member (Mr. Osborne Morgan) that evening—namely, that never before had a Vote of Censure upon a Government, or the rejection of an important measure, been moved upon grounds so trifling as those now relied upon by the hon. Member opposite and by the hon. Member behind him. He was not sorry that the debate had not been confined within the narrow limits of the Motion of the hon. Member for King's Lynn (Mr. Bourke), and that in reality the principle of the measure was being debated. It appeared to him that the difficulties of this question—and he did not deny that they were numerous — were enormously increased by the exaggerated importance which a number of persons attached to their peculiar opinions on the subject. Public opinion on this question appeared to be divided into three sections. There were—first, the Roman Catholic Bishops and those who represented their opinions in the House; amongst others there was the hon. Member for Tralee (The O'Donoghue), who thought that the solution of this question was contained in denominational endowment. He could quite understand that if the refusal to endow a Roman Catholic institution involved any political or social stigma upon any part of Her Majesty's subjects, an immense importance might well be attached to it, but he thought he should be able to show by-and-by that no such stigma was cast upon the Roman Catholics of Ireland by the refusal to endow their Colleges. In his opinion, endowment was merely a question of money, and although he admitted its importance, still money was not everything. If it were true, as he believed it was, that the Roman Catholics of Ireland were sincerely desirous of having denominational education, surely it was not beyond the powers of those who had always shown themselves ready to make the greatest sacrifices in every cause they held dear, to endow their own institutions by voluntary efforts. But if, on the one hand, the Roman Catholics held an extremely exaggerated idea of the refusal of endowment, he was equally unable to agree with those advocates of undenominational education, with whom it seemed to be a sacred and cardinal article of their faith that not a single sixpence derived from the taxpayer should be applied to the endowment of any religious institution whatever. He was unable to see the sacredness of that belief. If the House would permit him he would endeavour to show why endowments in this case were not expedient, although he could quite conceive a case in which an endowment of a denominational institution might be expedient. There was another class of persons, he might almost say of fanatics, to whom the name of an examining Board was everything that was wrong and bad. That sect was headed, he believed, by the hon. Member for Edinburgh and St. Andrews Universities (Dr. Lyon Playfair), and from some observations which had fallen from the hon. Member for Brighton (Mr. Fawcett), he should suppose that he was the devoted adherent of that doctrine. He quite admitted that a teaching and an examining University was a very superior thing to a merely examining University, but from what he read and heard of the opinions of this sect, they appeared to have forgotten altogether that a great number of the students at the Universities of Cambridge and Oxford were never taught by their Universities at all, but were merely examined by them. To that extent, therefore, these Universities were nothing but examining Boards. He quite admitted that the character of a University was greatly influenced by its teaching as well as by its examinations, and the Government in bringing forward this measure had fully recognized that fact by endeavouring to make the University of Dublin a teaching as well as an examining body. But if the circumstances of the case appeared to require that some departure should be made from the principle that all Universities should be teaching institutions, he was by no means prepared to admit that, by departing from the rule, they should, as the hon. Member for the Edinburgh and St. Andrews Universities appeared to think, be bringing upon the country all the evils of centralization to which France owed the disasters of Sedan and the fall of Paris. The hon. Member had been unable to find anything in Europe which would fitly describe the state we should get into, in his opinion, were the country to adopt the Government view of the question, and he had had to go as far as China before he could find institutions in a condition parallel to that to which ours would be reduced. He had not the slightest expectation that anything which he could say would have the slightest effect upon the devoted adherents of those three opinions. He should, therefore, in the few observations he was about to make, seek to address himself not to those who had formed inflexible opinions, but to those hon. Members who were disposed to look upon this question from a more practical and reasonable point of view, and who were disposed to shape this measure rather according to expediency than to some ideal notion of unattainable perfection. What, then, were the principles upon which the Government had endeavoured to deal with this question? The first principle which they had endeavoured to keep in view had been to adhere to the policy which had been adopted by Parliament in 1869, in dealing with the Irish Church—namely, the establishment of complete religious equality in Ireland. In order to carry out this principle, it was necessary that religious tests should be abolished in Trinity College, and that the Queen's University should continue to be open without restriction to all religious denominations. But, on the other hand, it did not appear to them to be necessary that any sect or religious communion should be debarred or placed under any disabilities whatever, if its members thought fit to found and endow a denominational educational institution of their own. On the contrary, it had appeared to them to be a most necessary consequence and development of the principle of religious equality, that any denomination should be allowed to found and endow whatever institution might suit their views with reference to education. Another principle which the Government had endeavoured to keep in view was this—that whatever change it might be necessary to make under the circumstances, the University institutions in Ireland should be extended, and the standard of University instruction should be maintained. With this view the Government had adopted principles which were, he believed, held by the great majority of University reformers in this country—namely, that it was the province of the University rather than the Colleges to grant degrees and to impart the higher education; that it was essential that University independence should be secured; and that, while it remained in close connection with the Colleges which it contained, it should not be in subjection or subject to the government of the Colleges. Another principle of the Bill was, that the new University, as ultimately constituted, should be a self-governing body, and not subject to any Department of the State. He believed that a fair and candid examination of the measure would show that those principles had been kept in view, and that anything which appeared in the Bill not in accordance with them was an exception, and had been detailed by considerations of obvious expediency, and did not form an essential part of the scheme. The two principal exceptions to these principles were the nomination of the first Council, and next the exclusion of certain subjects from University instruction. An extremely unfair remark had been made in the course of the discussion that evening as to the constitution of the University Council. Attention had been almost entirely directed to the fact that the University Council should be in the first instance nominated by Parliament, but this fact had been almost entirely ignored—namely, that the Bill provided that at the expiration of a certain period, the Council should be a body representative of the Colleges contained in the University, of the teachers of the University, and of the undergraduates of the University. It was perfectly obvious that a body elected by the present constituency of the University would not be a Council that could be expected to secure the confidence of those bodies whom they hoped for the first time to include within the University. With regard to the exclusion of certain subjects from University instruction, and the making of these subjects not compulsory for the purpose of honours and degrees, the Government did not certainly hold out that part of the scheme as an ornament to it. That provision was put forward as an inducement to Roman Catholics to accept the scheme. It was an exception to the general principle of the scheme, which the exigencies of the case imposed on the Government. No doubt, as had been said by hon. Members who had taken part in the debate that evening, if the Council consisted of unreasonable men, they would find subjects on which they disagreed, rather than those on which they could agree; but the Government hoped the Council would consist of reasonable men, who would find subjects on which they could agree, rather than subjects upon which they differed. He wished to say one word upon what the hon. Member for Brighton called the "gagging clauses." The hon. Member was extremely angry at Clause 11, which enabled the Council to reprove or dismiss a Professor or teacher who wilfully offended the religious convictions of the students. What was the statement made by the Council of the Queen's University, which the hon. Member spoke of as a perfect University. They said—

> "Each Professor is bound in lecturing, examining, and in the performance of all other duties connected with his chair, carefully to abstain from teaching or advancing any doctrine, or making any statement derogatory to the truths of revealed religion, or injurious or disrespectful to the religious convictions of any portion of his audience. It is well known that the provision has been honourably observed."

He should like to know how this "gagging clause" differed from that proposed by the Government? Almost every hon. Gentleman who had addressed the House that evening said that the scheme of the Government had been condemned by all parties in Ireland. He admitted that there had been an expression of opinion in various quarters of Ireland which had not been altogether in favour of the Bill. But he was not prepared to admit that any condemnation of the Bill had yet proceeded from the Irish people. By whom had the Bill been condemned? Admittedly by three parties. A Petition had been presented against it from the Senate of the University of Dublin; the students of the Roman Catholic College in College Green objected to certain portions of it; and the Roman Catholic Prelates of Ireland had denounced it. But he was not prepared to admit that these three parties represented the Irish people. The Irish people had not yet expressed their opinions upon the Bill, and he would not accept any condemnation which did not proceed from the Irish people themselves. He would admit that it had been one of the great evils of Ireland, that it had been extremely difficult to elicit from the great body of the Irish people, who did not hold extreme opinions, any expression of opinion. Men who held moderate opinions, and who might be favourably disposed towards this scheme, might not find courage to express their opinions, and they frequently allowed those who held extreme opinions to put themselves forward as their representatives. Of all the opinions that had been expressed on the subject of this Bill, it appeared to him that the opinion of the Senate of the Dublin University was couched in the tamest language. What was the first objection which the Senate of the Dublin University made to this Bill? That the monopoly proposed to be given to the new University would destroy the principle of competition, and would lower the standard of academical education. The Senate of Dublin University appeared to acknowledge that they were not to be trusted to keep up the standard of University education, unless they were stimulated by the competition of the Queen's University. But was it so self-evident that the academic standard would be lowered if competition were abolished? *Primâ facie*, competition between University and University tended rather to lower the standard than to raise it; and the onus rested upon the Senate of the Dublin University to show that the existence of the Queen's and of their own University, both naturally anxious to attract to their own halls as many students as possible, tended to raise the standard of academical learning. In their next resolution, the views of the Senate of the University of Dublin appeared to be rather exaggerated. They compared the system to be established under the Bill with the complete centralization of University education as in

France. Now, Ireland was not a separate country, but part of the United Kingdom; and was there any resemblance whatever between the French University system, which was under the complete control of a Government Department in Paris, and an independent University in Ireland, competing with the Universities of Oxford, Cambridge, London, and Scotland? He could not but think that the Senate of the University of Dublin were in straits for arguments when they passed so exaggerated a resolution. They went on to declare that the standard of attainment would be further lowered by the affiliation of small schools or Colleges, the result of which would be that the standard would be accommodated to the weakest. If the affiliated institutions were weak, such an argument would not be well-founded, because the standard was not to be applied by the Colleges, but by independent examiners, and the effect therefore would rather be to raise the standard of the affiliated Colleges. But no one intended that small provincial schools or Colleges should be affiliated to the University. Such a proposal never formed part of the Bill or of the introductory statement of his right hon. Friend (Mr. Gladstone); and if any doubt existed on the subject the explanations of the First Minister to-night, showing the precautions which would be taken in admitting affiliated Colleges, would entirely dissipate the fears of the Senate. Another resolution was, that the withdrawal of the government of the University from men who had been educated there and had spent their lives in the work of teaching, for the purpose of transferring it to a Council who would be nominated to represent particular views in politics or religion, would be prejudicial to the interests of the University and to the education given there. If the premises of the Senate were correct, their conclusions followed as a matter of course. But had not the Senate somewhat drawn upon their imagination in assuming that the Council were to be nominated upon religious and political instead of upon academic grounds? If anything was explicit in the statement of his right hon. Friend it was, that the members of the Council would be chosen, not as representatives of religious opinions, as such, but as representatives of academic, literary, and scientific eminence. The views of the Committee of Convocation of the Queen's University had not been expressed in so succinct a form as those of the Senate of the Dublin University. They had published a pamphlet of considerable size, in which, however, it was easy to discover their chief objections to the Bill. They condemned the practice of the University of Dublin in granting degrees to non-resident students, who had never been subject to University training. In their opinion, knowledge acquired by collegiate training was better than knowledge acquired without it. He entirely agreed with them. But was it necessary, because one thing was better than another, that you should force all the students of a country to accept the particular form of education which you yourself thought best, imposing an absolute disability upon them unless they did so? If the State placed the power of granting degrees exclusively in the hands of a University, and if the University would give no degrees to non-resident students, the State, in fact, denied to A. B., who had acquired his knowledge without collegiate training, a certificate which might be as absolutely necessary to him as tools were to a workman. Such a system could not be maintained. It did not exist in England, because the degrees of the University of London were open to all. The claim of the Committee of Convocation of the Queen's University really was that students in Ireland should be compelled to undergo their collegiate course at Trinity College, at one of the Queen's Colleges, or at a denominational seminary, under penalty of absolute exclusion from all University privileges or certificates. It appeared to him that this was protection for State institutions in its very worst form. A great deal was said about the demoralizing effect which would be produced if, instead of resorting to Colleges, students were prepared by "grinders," and people declared that "grinders," instead of Colleges, would monopolize the education of the country. It was some time since he had been a student at Cambridge; but in those days the "grinder" was a person not altogether unknown in that University. In more recent times he thought he had seen that men who had achieved the highest honours had recourse to a "grinder" quite as much as to the lecturer of his College or the University

Professor; and even men who were not going in for honours, but for degrees on the easiest terms, resorted not unfrequently to the same quarter for assistance. The Petition of the General Assembly, with which the House was probably familiar, was another instance of the charming want of unanimity on the part of the opponents to the measure. He was anxious to hear the opinion of the right hon. and learned Member for Dublin University (Dr. Ball) on the Petition of the General Assembly and their proposals with regard to the revenues of Trinity. By far the most important and strongest denunciation of the scheme was that put forward by the Roman Catholic Prelates. They objected to it on the ground that it continued the system of mixed education, and because it did not endow a Roman Catholic University. But if it was possible to imagine Parliament conceding their demand for an exclusive endowment their first objection would remain; they would still object to the opening of Trinity College and the maintenance of the Queen's Colleges, because they believed that mixed education at all was objectionable. He did not know what concessions Parliament might be prepared to make at any time to the wishes and desires of all classes of Irish Roman Catholics, but the language of Parliament, however, upon this point was clear; it would never close the doors of Trinity College when the College desired them to be thrown open, and it would never support the Queen's Colleges a single day after they ceased to be open to all denominations. Whether the Queen's Colleges flourished or decayed, as long as they existed the object of Parliament would be to maintain them, in the words of Sir Thomas Wise, one of their original supporters, for the purpose of creating that knowledge which taught men to forget their prejudices, remove the scales of ignorance from their eyes and make them remember not the differences between them and their fellow-men, but the points in which they resembled each other. As it was absolutely certain Parliament would maintain the Queen's Colleges on their present footing as long as they existed, the sooner the Roman Catholic Bishops recognized the fact the better. He had already stated, with regard to the suggestion that a separate endowment should be granted to the Roman Catholic University, that he had no prejudices upon the subject. If it were practicable he, as an individual, saw nothing wrong, unjust, or sacrilegious in the endowment of a denomination, but under the circumstances endowment of a denominational institution in Ireland was absolutely impracticable. In the first place, a large majority of the House, and, he believed, of the country, were opposed to any extension of denominational endowment whatever; and in the second place endowment of a Roman Catholic College would, instead of producing equality as the Roman Catholics professed to desire, establish a most glaring inequality. Unless Parliament was prepared to endow an Episcopalian, and also a Presbyterian College as well, on what principle could it be asked to endow a Roman Catholic College in Ireland? The Queen's Colleges were not set up to please the Protestants in Ireland; they were designed in the interests of the Roman Catholics. The Protestants denounced them when they were first proposed, but they had seen fit to alter their opinion. The Protestants of Ireland used the mixed Colleges, but the Roman Catholics, for whom they were designed, had seen fit to disapprove them; that, however, was no reason why they should not do what all others were free to do—establish their own Colleges and voluntarily endow them. But those concerned in this measure would do well to consider what they would gain by it, for all of them would unquestionably be gainers, as they would be losers if the Bill failed. The Queen's Colleges would have the least to gain. Situate away from any University centre, and far from any active centre of life, they could not hope to be very prosperous; but surely they would have a better chance of success as members of a great centre endowed with large revenues and stimulated by competition, not between University and University, but between College and College. Surely the Queen's Colleges had nothing to fear from admission into an ancient and national University instead of being members of a University which, whatever may be its merit, must, as long as the University of Dublin exists, remain in a secondary position. Trinity College, too, had a great deal to lose by rejecting this Bill, and it would also secure its position. It would retain the greater part of its revenues, and as a teaching body it would be as rich and as efficient as it was now. The University Professors to be established under the Bill must, if Trinity College came heartily into the scheme, be of great assistance to her. There were, no doubt, some branches of instruction which Trinity College would desire to keep in her own hands; there were other branches which she might be willing that the University should take up; and thus Trinity College would be able to devote itself with increased energy to its own special instruction, and to make large reductions in the expenses of its teaching staff. There was no prohibition on any College of the University to teach modern history and moral philosophy as much as it pleased, and Trinity College would not only be able to teach both these branches of knowledge, but to assign whatever weight it might think proper to them in its own collegiate honours, and probably Trinity College would devote itself with renewed energy to the teaching of both these subjects. Further, Trinity College would be able to exercise in future a far wider influence over the education of Ireland—Roman Catholic as well as Protestant—than it had done hitherto. It had had almost undisturbed control over the education of the Protestants of Ireland, and he saw no reason why it should lose any portion of that influence; but it must necessarily exercise a great influence over the University. The practical experience and ability of the members of Trinity College would give them a weight in the Council far greater than the mere number of her representatives would entitle her to. He would admit, if the measure of Her Majesty's Government should be rejected, that Parliament might be induced in this or some future Session to pass the Bill of the hon. Member for Brighton (Mr. Fawcett). But did Trinity College think that the passing of that measure would settle the University question? No one who had read the debates which had lately been carried on in the Senate of Trinity College would say so. It had been over and over again admitted in those debates that there was a Catholic grievance, and there appeared to be a very strong opinion in the Senate of Trinity College that this Catholic grievance would not be remedied by the University Tests Bill of the hon. Member for Brighton, but by a system of concurrent endowment. He believed there were Fellows of Trinity College now in London, probably some who that night at that moment were listening to the debates in the House. They would have an opportunity of studying the feeling of England during the progress of this discussion. Let them, on going back to Ireland, report to their constituents whether they thought the Catholic grievance was likely to be remedied by concurrent endowment within any reasonable time or not. Let them report whether the tide of public opinion was setting that way. Well, if it was almost impossible that the grievance should be remedied by concurrent endowment, how would it be remedied? Some day, probably, Parliament, wearied by the constant attacks of the Irish Representatives, would make up its mind to establish, at all events, equality in educational matters in Ireland. But let the Fellows of Trinity College who were present at these debates report to their constituents whether it was not more probable that the Catholic grievance would be remedied by impartial disendowment. Then what would the Roman Catholics gain by the adoption of this Bill? They would gain the removal of all the disabilities now attaching in the matter of University degrees, University honours, and University prizes to students educated in a Roman Catholic College. They would be able to establish under this Bill, if they chose, a College or Colleges as denominational as they pleased. He believed, if they chose, they could raise for these Colleges as ample endowments as could be required. Would anyone get up and say that the Roman Catholics of Ireland were not prepared, or were not able, to endow Colleges for themselves? He believed they were fully able, and that if once they could remove from their minds that fatal delusion which appeared to have taken possession of them, that sooner or later they would obtain a Parliamentary endowment, they would endow a Catholic College for themselves. They would obtain under this Bill a certain representation in the Council of the University; they would obtain, when the elective principle came into operation, just as much—and no more—influence upon the Council as would be due to the success of their efforts in University education. A considerable number of graduates by that time would be Roman Catholics; a considerable number of Professors might be Roman Catholics; and they might have both ordinary and collegiate members on the Council, which would be another gain to them. He had said it was extremely probable, if the House rejected this measure, they might be induced this Session, or another Session, to adopt the Bill of the hon. Member for Brighton. Was that a good prospect for the Roman Catholic members? Would that be a settlement in any degree more satisfactory to them of the Roman Catholic grievance? Supposing that they despaired of obtaining from Parliament the endowment of a denominational College, would it be in any way more satisfactory to them to have an institution disendowed, of which all Irishmen were, he believed, more or less proud—he meant the institution of Trinity College? What prospect did Roman Catholics see, if they did not adopt this Bill, of obtaining better terms for themselves? He hoped they would consider gravely and deeply before they insisted on the rejection of this measure, and he trusted they would admit the Government had fairly, honestly, and to the best of its ability brought forward a scheme which was calculated to effect a just settlement of the grievance of which our Roman Catholic fellow-subjects complained.

Sir MICHAEL HICKS-BEACH said, it was with some diffidence that he rose at that hour of the evening, to express his opinions on a question which had been found so difficult and delicate by two successive Governments, before it had been taken up by the present Ministry, apparently a little to their own discomfort. But anyone who had been connected with an English University, and had thus learnt to value the advantages of University training and associations, could not but take an interest in the question now before the House, especially as regarded from that religious point of view which had occupied for so many years the attention of this House with respect to the English Universities. The noble Marquess (the Marquess of Hartington) had told the House that though this question was of long standing, he thought that both parties attached a somewhat exaggerated importance to their opinions upon it. Now, if there was any man in this House to whom that exaggerated importance was more particularly due, it was to the right hon. Gentleman who now filled the post of Prime Minister. The House would remember the speech of the right hon. Gentleman in 1868, when he used a simile which was now become too stale to quote, and spoke of the three branches of Protestant ascendancy—the Church, the land, and education in Ireland—stating his intention, if the country expressed their confidence in him and his Government, of dealing with these three questions in succession. The right hon. Gentleman had redeemed his promise with regard to the Church and the land, and had at length introduced a Bill on the subject of Irish education; though for his own part, he must say with regard to Protestant ascendancy in Ireland, if it existed at all at the present moment, it could only be considered a persistent and difficult effort on the part of the Protestants of that country to keep their heads above water. Before he dealt with the proposal of the Government, he asked the House to consider for a moment what was the actual grievance which they had undertaken to remedy. The grievance had been differently stated at different times and by different persons. In 1866, it was considered to be a disability or difficulty, on the part of the Irish Roman Catholic youth, in obtaining University degrees. At least, if they might judge from the famous Supplemental Charter of that year, that must have been the grievance. The Supplemental Charter was the attempt of the Government of that day to remove the grievance, and what did it provide? That non-resident students might take their degrees at the Queen's University, and that Roman Catholic Colleges might be affiliated to it. But when that Charter came to light, it was objected to by the body of graduates, and on appeal to the Rolls Court in Ireland, it was declared to be invalid, as deteriorating the Queen's University degree. Yet, in spite of that decision, non-resident degrees and affiliated Colleges were revived by the Bill now before the House. But what was the grievance, at the commencement of the present Session, judging from the tenor of the speech of the right hon. Gentleman the Prime Minister on the introduction of the Bill? So far as he could gather it, it amounted to this —a feeling on the part of a majority of the Irish Roman Catholic youth. that they could not adapt themselves to the teaching and examination of an undenominational University. Now, if that constituted a grievance on the part of the Roman Catholic youth, he could not understand why England and Ireland should be treated on a different footing in that respect. If it was a grievance on the part of the Roman Catholic youth that they were called on to go up to an undenominational University, in order to obtain University degrees, what must it be to English Episcopalians to have the English Universities, endowed by private founders in connection with the National Church, deprived of their denominational character? But the grievance had now been carried much further. In the debate of this evening it had been sufficiently admitted that the grievance as brought forward by the Irish Roman Catholic Prelates, was that they had not a University or College endowed by the State, and subject to their own entire control; and that the Queen's Universities were allowed to exist, and their demand was that the State should endow a University entirely subject to themselves. Now, the Roman Catholic Prelates would be pleased to learn from the statement of the noble Marquess (the Marquess of Hartington) that endowment was a mere matter of money, and that, practically, they would be able to found the University for themselves. This demand of the Roman Catholic Prelates amounted to the entire control of University education for the Roman Catholic youth at present, and entire control over the whole University education of Ireland for the future. How far was that demand met by the proposal of the Government? The noble Marquess admitted that the endowment of a Catholic University was asked for; but, at the same time, he distinctly repudiated any intention, on the part of the Government, to grant such endowment by this or any other Bill. Well, then, what was the use of this Bill if it did not meet the grievance of the only parties who complained? The Bill did not directly endow a Roman Catholic University; but he thought he should be able to show that it did something far worse; for it was so artfully arranged as indirectly to grant both the full control and endowment asked for, without doing anything openly to offend the just susceptibilities of the English and Scotch people. They had heard something about the principles of the Bill. They seemed to him of a somewhat fugitive or vanishing nature. He had some difficulty in ascertaining what the actual principles of the Bill were, or whether there was any principle in it at all. So far as he could understand the Bill, its principles were—the establishment of a new University governed by a State-appointed Council, to which hereafter were to be elected representatives from affiliated Colleges, a mutilated *curriculum* of University education, and the spoliation of Trinity College, Dublin. That was precisely a fulfilment of the promise of the Prime Minister, who told them he was about to deal with education in Ireland in the same spirit in which he had dealt with the Church and the land. He had done so, and it was in the spirit of destruction. In the name of the advancement of learning, the right hon. Gentleman proposed to destroy two Universities, both doing good work—one of them renowned throughout Europe for the learning of its members and the excellence of its teaching—and in their place he substituted a brand new University, for as to the distinction drawn by the right hon. Gentleman between the University of Dublin and Trinity College, he looked on it as the "baseless fabric of a vision." He subjected this new University to a Council nominated by the State, after the pattern, so fashionable now-a-days, of an Education Board, too large in numbers for the purpose of any real work, and sufficiently large for polemical difference and discussion. Trinity College, Dublin, was the one institution of English foundation which had really prospered in Ireland, and why? Because it was self-governed, and therefore could not be regarded as a badge of Anglo-Saxon domination; because it was ruled by men able and qualified in every respect as University administrators, and not chosen by the State for their political or religious distinctions. He could not believe that a Council whose head was to be the Lord Lieutenant of Ireland for the time being, was likely to promote true education in Ireland. But he much feared that this Council would be so selected as to make this measure one of indirect endowment of the Roman Catholic Church. No doubt the Prelates of the Roman Catholic Church and their faithful Representatives in that House appeared to be opposed to the Bill. He was afraid it would be found this was a very deep political move on the part of the Roman Catholic hierarchy. If, as the Prime Minister had said, some of the members of the Council were to be chosen on account of their weight and influence in Ireland, who had greater claims in this respect than Cardinal Cullen and the Roman Catholic Bishops? If it had not been the intention of the Government to give a preponderating influence on the Council to the Roman Catholic hierarchy, there was no reason why they should not have named the Council at the time they brought in the Bill. Supposing such an influence to be once obtained, was it not clear that none but Roman Catholic Professors would be allowed to lecture, or examiners to examine; while as to scholarships and exhibitions, Roman Catholic students were carefully protected from competition with the best men of Trinity College, by the provision that they should not be held together with any other public academical emolument in Ireland, though they might be held by non-residents, or even, to all appearance, by those who had given up all University studies. But even supposing the constitution of the Council were in the first instance unobjectionable, then would come into operation the "unornamental" clauses, as the noble Marquess called them, and the Council would be precluded from embarking in a course of real University education, just at a time when the older Universities were every year introducing a greater range of subjects for competition. They were asked to found a University from which modern history and philosophy would be practically excluded. He said, practically, for if no prizes were awarded for them their study would not be actively pursued. There was no study more useful than modern history for those who were about to take a part in public life; and nothing had more excited the greatest intellects of all ages and countries than moral and mental philosophy. Even in the dark time of Charles I. the statutes of the University of Dublin distinctly provided that the students should be instructed in the logic and ethics of Aristotle. What harm could there be to any Roman Catholic youth from studying those subjects. If he should happen to form what was thought an improper impression from any particular work, he could easily correct it by studying another authority; for University students were not such mere children as to be unable to make allowance for the bias of an author. *Lingard* was now a text-book at Protestant Oxford, and in the Historical Society of Trinity College, Dublin, discussions were conducted by Protestants and Roman Catholics with mutual toleration and respect. But what could be more amusing than the examinations which were likely to take place under the wonderful clause which allowed a student to adopt any particular theory in preference to any other generally received theory. Fancy an examination in astronomy by an examiner who believed that the earth moved round the sun, whilst the student believed the old theory of the Church that the sun moved round the earth. There was really no end to the absurdities that might arise under these clauses. It had been argued that if the affiliated Colleges were admitted to have each a vote then the University Council might very soon be swamped, not only so far as the nominated Council was concerned, but also as related to the representatives of Trinity College and the Queen's Colleges. This was another way in which Ultramontane supremacy might be secured; but he wished specially to point out the influence which might be exercised by these affiliated Colleges in lowering the standard of University education. How could the students from Colleges in distant parts of the country attend lectures given by University Professors? That being so, the students of the affiliated Colleges would be unable to come up to the standard of the University, or else the standard of the University would be lowered to meet their requirements. In the former case, the poorer class of people would not send their sons there, and the new staff of Professors would be comparatively useless; in the latter event, the richer parents and those who wished their sons to rise, would send them to Oxford or Cambridge, where they could obtain a better degree. They would have a teaching University, from whose teachers no one need learn, and where some of the most important subjects could not be learned at all, and an examining University practically ignoring philosophy and modern history; an unsectarian University which recognized no such thing as a clearly ascertained truth in any branch of its teaching, and to establish this they were asked to consent to the spoliation of Trinity College, Dublin. He might be told that it was easy to criticize, and might be challenged to suggest a better mode of settling the question. He would say, in reply, that the Roman Catholic grievance which could be remedied by that House was not a large one. The alleged grievance was a very large one, and could not be met, except by handing over the entire control of the University education in Ireland to the Roman Catholic hierarchy. To that, Parliament would not consent. The Roman Catholic hierarchy demanded Home Rule in respect to Irish University education, they themselves to be the rulers. He was in favour of denominational religious education, and had fought for it in our own Universities. But this demand went far beyond that, and as, on behalf of the laity of the English Church, he would object to place University education entirely under the control of the Prelates of that Church, so, for the sake of the Irish Roman Catholic laity, he would resist such a demand on the part of their Bishops. He distinctly repudiated both the doctrines and arguments of the noble Lord the Member for Huntingdonshire (Lord Robert Montagu). He believed that that noble Lord represented no one but himself on that bench or on the Opposition side of the House; and he had a shrewd suspicion that since the noble Lord held office his opinions upon this subject had undergone a very great change. For his own part, of the two schemes on Irish education now before the House, he much preferred that of the hon. Member for Brighton to the present Bill. That hon. Member proposed to abolish the existing religious tests in Trinity College, precisely as they had been recently abolished in our English Universities. He (Sir Michael Hicks-Beach) had supported these tests at Oxford and Cambridge, because their endowments had been left to them in connection with that Church which still remained the Established Church of England. But when the Church of Ireland was disestablished, the Irish nation repudiated any form of religion, and he thought that, under these circumstances, it was only logical for the national University to decline any longer to uphold its connection with any particular religious denomination. But the hon. Member for Brighton proposed to maintain a self-governing University, unfettered in its teaching by any "gagging clauses." Surely this was far better than a scheme which, while handing over to Rome the whole power over University education, still left her the grievance that the endowments were mainly retained in other hands. What could be more likely to lead to further agitation, or less calculated to satisfy all parties affected by it? The hon. Member for King's Lynn asked the Government to state the intended composition of the Council, and thus to prove that this measure was not framed in the interest of the Roman Catholic hierarchy. That seemed to him a fair and moderate request, and it would receive a warm support, not only from himself, but, he believed, from all who sat on his side of the House. But even if the Government should now turn round and give them the names of the Council, he confessed it would not satisfy his objections to the Bill. There would still remain the proposals of a State-appointed Council, the spoliation of Trinity College, affiliated Colleges, and non-resident degrees, and a maimed system of University education. And if other reasons for opposition were wanting, there was one above all worthy the attention of the House. The noble Lord the Secretary for Ireland (the Marquess of Hartington) rather laughed at the idea of the Irish people being opposed to this Bill. Nevertheless, every Irish Representative who had addressed the House had spoken against the Bill. When the right hon. Gentleman opposite was introducing some of his Irish measures, he was glad to quote the opinions of the Irish Prelates in support of his own. Had he no respect for the opinions of the Irish Prelates in condemnation of his present scheme? The General Assembly of the Presbyterian Church had also strongly condemned the measure. Could they, in the face of such universal hostility, affirm the principle of this Bill, and thus furnish a text to certain agitators who would be only too ready to tell the people that this was a sample of the way in which the English Government forced upon them measures of which they disapproved. This grievance, after all, was that of the Roman Catholic hierarchy alone, and their demands were such as could not be satisfied. Was it not more honest and more politic to tell them so boldly and plainly? They might, in consequence, encourage the cry for Home Rule; but the unwonted spectacle of a little firmness on our part would do much to stop that agitation. Sooner or later the Irish must be told they were crying for the moon, and could there be a better opportunity than the present, when English opinion was supported by all the education, all the intelligence, and all the independence of the Irish laity? With this help, let Parliament decline to blight liberal education and despoil an ancient University in order to rivet more closely the fetters of ecclesiastical domination round the minds of the people of Ireland.

MR. HORSMAN moved the adjournment of the debate. [*Cries of* "What day?"]

MR. GLADSTONE was afraid there was no chance of resuming the debate to-day (Tuesday). Some hon. Members with Motions on the Paper were willing to withdraw them, but there were one or two Motions which it was impossible to get rid of.

Motion *agreed to*.

Debate *adjourned* till *Thursday*.

MUTINY BILL.

On Motion of Mr. BONHAM-CARTER, Bill for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters, *ordered* to be brought in by Mr. BONHAM-CARTER, Mr. Secretary CARDWELL, and Mr. CAMPBELL-BANNERMAN.

House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Tuesday, 4th March, 1873.

MINUTES.] — PUBLIC BILLS — *Committee* — Epping Forest * (19), *discharged*.
Report—Polling Districts (Ireland) * (34).

GAME, &c.

MOTION FOR A RETURN.

THE EARL OF MALMESBURY, in moving for a Return bearing upon the supply of Game as food, said, he had been induced to do so in consequence of the public interest manifested in the question of the Game Laws during the Recess. It had been said by some that the effect of the Game Laws was to limit the production of a supply of food adequate to the necessities of the population. There could be no doubt that the price of food in this country had risen immensely within the last two years. Butchers' meat had gone up about 2*d*. per pound, and the price of other articles of food had increased in the same ratio. Among the accusations made against the Game Laws was, that they had been the cause of this increase of price. It was said also that the Game Laws had descended from the feudal times, and bore the character of those days, and ought no longer to be allowed to exist. Now, as for the first accusation, he thought that if the Returns he was about to ask for were granted, they would show it to be unfounded; and as to the second, he did not know that it was a very severe accusation against the Game Laws to say that they had come down from feudal times, because the Common Law of this country was even more ancient than those days. This was an objection which was scarcely worth being met by argument. But there was something more plausible in the statement that game destroyed a certain quantity of food which might have been made available for the support of the people. Adopting the principle which seemed to have guided Mr. Sumner when he was considering the Indirect Alabama Claims, some of the opponents of the Game Laws calculated that, as in a given time a hare would destroy what would have fed a sheep, the loss of human food so caused by the hare must be estimated by not only the loss of one sheep but all the descendants of one sheep. Now, in respect of game, he was for the right thing in the right place. Of course there would be a great loss of human food generally if large tracts of land suitable for tillage were kept as preserves for hares and rabbits. But to show their Lordships the character of some of the speeches made against the Game Laws, he would refer to what was stated to the Home Secretary on the occasion of the reception of a deputation. Mr. M'Ara, one of the deputation, said the Game Laws interfered with the food production of the country, and that

> "If the land now used for game preserving were brought into cultivation, the supply of food would be one-fourth more than at present."

When such statements as these were made, it should be seen whether anything was yielded in the way of compensation, and he had therefore determined to move for these Returns. Moreover, having read during the Recess that Resolutions were passed by excited public meetings — of such a character, however, that they might be said to consume their own smoke—he determined to see for himself. Rabbits had been solemnly condemned and excommunicated as vermin; but the persons who pronounced the condemnation and excommunication did not, perhaps, know that with many thousands of the people of this country rabbits were a staple food. Now, no licence was required for selling rabbits or hares. He had walked down High Street, Marylebone, sometimes on a Saturday evening, and it appeared to him that on these occasions it was a street of rabbits. With large numbers of the people either rabbits or hares were a favourite Sunday dinner. This was so in London, and in the other great cities, and he would quote returns to show it was so in ironworks and collieries. Leadenhall Market, received 1,500 cases of rabbits, each case containing 100 rabbits, every week from Ostend. He might observe that the fact of such a supply of foreign rabbits to our London dealers showed that the English supply was insufficient. From Birmingham he had been unable to obtain returns, but a gentleman who had an estate in Somerset had been applied to by a dealer from that town for 10,000 rabbits a-week. The alacrity with which as a rule dealers had furnished him with returns—some of them having even volunteered them—showed they felt that if the Game Laws were destroyed their business would be destroyed with them. In Wolverhampton Market 3,000 rabbits were consumed or sold weekly. The year's supply was worth about £5,000, that of other game being £1,500 annually. In Nottingham 2,000 rabbits were sold and consumed weekly, those who purchased them being principally working people. In Newbury, the population being between 6,000 and 7,000, the value of the game sold was about £200 a-year. The round numbers of the game brought into Southampton from the 12th of August, 1871, to the same date in 1872, were — rabbits, 90,000; hares, 36,000; pheasants, 18,000; partridges, 27,000; grouse, 18,000; wild ducks, 18,000—total, 207,000. In Bristol there were sold by the licensed dealers from the 1st of September to the 1st of April last—grouse, 1,180; partridges, 4,108; pheasants, 4,473; black game, 93; teal, 651; snipe, 1,200; wild ducks, 1,264; plovers, 939; woodcocks, 451; widgeons, 198; hares, 2,191; rabbits, 39,471—total, 54,119. The returns from licensed dealers did not give anything like the total supply of game brought into the market as food. His attention had been called by competent authority to the fact that in towns and villages thousands of wild fowl and rabbits were sold by the shopkeepers and others who were not licensed to deal in game, but to whom the working classes principally applied in consequence of such shopkeepers generally selling a little cheaper than the game dealers. The Board of Trade Returns on the subject of the importation of game did not seem to be very accurate, any more than they had recently been said to be on the subject of the exportation of horses; but there did appear to have been an increase of 217,542 in the number of game, rabbits included, imported in 1872, as compared with the year 1871. This and the return of the number of rabbits imported by Mr. Brooks and other London dealers showed that our indigenous game did not satisfy the home demand. In the face of those facts, how could Parliament refuse to protect by law the indigenous game, and, at the same time, permit unlimited importation? He ought, perhaps, to have mentioned that Ostend rabbits weighed about 4 lbs. each, and sold at 7*d.* per lb. A gentleman had written to him stating that he had often to pass through that part of London of which Leadenhall Market was the centre, and he saw dressed game advertised not only in the windows of the larger eating-houses, but of late in those of a meaner character. The announcements ran in some such terms as "Roast hare, 6*d.*; jugged hare and jelly, 7*d.*" This showed that the poorer persons employed in the City were able to obtain game as food when the supply was plentiful. To show the value of hare and rabbit skins as articles of manufacture, he would read to their Lordships an extract of a letter he had received from Leeding and Co., in Borough High Street—

> "The number of hare and rabbit skins we manufactured last year was close upon two millions. These were nearly all English skins. Foreign skins do not make such good fur as the English and Scotch. We buy the skins principally from poulterers, marine store dealers, and hawkers. We have been making an estimate of the number of skins collected in the course of a year, and we believe we are under the mark when we say that the skins manufactured in this country and exported abroad during one year are not less than 30,000,000. Now, if we take that number of hares and rabbits and an average weight of 2½ lb. each, it will produce about 33,500 tons of food. If we take the value of them at 1*s*. each, it will amount to £1,500,000."

He thought he had stated enough to show of what value, as food and as supplying an article of manufacture, those animals were which some persons denounced as useless and mischievous vermin which ought to be destroyed. If the Game Laws were abolished tomorrow three consequences would follow the abolition. First, there must be a trespass law. In 1841 Sir Robert Peel said he was not prepared to defend the Game Laws in the abstract; but if the country desired their abolition, it must be borne in mind that Parliament would have to pass a very stringent Trespass Act, unless it was prepared to see the country, by day and by night, overrun by bands of armed marauders. The second consequence of the abolition would be a re-valuation of farms, which would probably send up the rents of tenant-farmers very considerably, and not be a very agreeable consequence to them. The third consequence would be an increase of rural constabulary to the number of from 10,000 to 15,000 men; because those persons who were at present employed for the protection of game protected other property also. He would say no more on the subject, but would move for a Return of the numbers of Game, Wild Fowl, and Hares and Rabbits sold by the Licensed Game Dealers in England, Wales, and Scotland during the year 1872, and also the numbers of the same imported and exported into and from the United Kingdom during that year.

EARL GRANVILLE said, he highly appreciated the rabbit for culinary purposes; but he could not agree with those who said that they were useful in plantations. He was far from denying that in some parts hares and rabbits were valuable articles of food; but he should entirely dissent from his noble Friend if he thought that the general preservation of rabbits throughout the country would tend to increase the aggregate amount of food available for human subsistence. With regard to the Motion, he had made inquiries of the Inland Revenue and the Custom House, and he found that the latter would not be able to give Returns of the exports and imports of rabbits, because, as no duty was paid upon them, they were not included among the entries. The Inland Revenue did not think there would be any great difficulty in obtaining Returns from the London gamedealers, whose books were kept very carefully; but it was very doubtful whether the country dealers would be able to supply the same accurate information. The noble Earl, however, seemed to have had some success in procuring this information, and it was impossible to get Returns from hawkers and general shopkeepers. The Inland Revenue were willing to attempt to get approximate Returns, if those would satisfy his noble Friend.

THE EARL OF COURTOWN suggested thot the word "Ireland" should be inserted in the Motion.

EARL GRANVILLE would inquire as to whether such returns could be obtained from Ireland.

THE EARL OF MALMESBURY said, his noble Friend the Secretary of State had misunderstood him in supposing he advocated a general preservation of rabbits irrespective of the character of the country. He wished rabbits to be preserved where they were the right thing in the right place, and not where they interfered with tillage.

Then, the latter portion of the Return being struck out, Motion *agreed to.*

Ordered, That there be laid before the House, Return of the numbers of Game, Wild Fowl, and Hares and Rabbits sold by the Licensed Game Dealers in England, Wales, and Scotland during the year 1872.—(*The Earl of Malmesbury.*)

House adjourned at a quarter before Six o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 4th March, 1873.

MINUTES.]—SELECT COMMITTEE—Contagious Diseases (Animals), Mr. Norwood *discharged,* Mr. Clay *added;* Coal, *nominated.*

PUBLIC BILLS—*Ordered—First Reading—*Locomotives on Roads* [88]; Children's Protection* [89].

Committee — Married Women's Property Act (1870) Amendment (No. 2) [24], *debate adjourned.*

*Committee—Report—*Custody of Infants* [67]; Cove Chapel, Tiverton, Marriages Legalization* [86].

BETHNAL GREEN MUSEUM—THE TURNER DRAWINGS.—QUESTIONS.

MR. CHARLES REED asked the Secretary to the Treasury, Whether the portion of the Turner Collection of Drawings, now about to be withdrawn from Birmingham, may be exhibited in the Bethnal Green Museum, after the removal of the Wallace Collection?

MR. BAXTER: My hon. Friend is not perhaps aware that the collection of Turner Drawings now at Birmingham, which he wishes to be sent to Bethnal Green Museum, consists of only 58 small sketches, and would not cover the side of an ordinary sitting-room. There would, however, be no objection to the exhibition at Bethnal Green of these sketches, provided that the same precautions are taken there for their safe custody as have been required at other places.

MR. CHARLES REED asked the Vice President of the Committee of Council, Whether the arrangements directed to be made in December, 1870, for the establishment "of a School of Science and Art and a Library, in connection with the East London Museum on Bethnal Green," are completed; and, if not, what steps have been taken in this direction?

MR. W. E. FORSTER said, in reply, that the hon. Member for Hackney used rather too strong a term when he said that arrangements had been directed to be made in 1870 for the establishment of a School of Science and Art and a Library in connection with the East London Museum on Bethnal Green. Chiefly on account of the large collection of pictures which, through the liberality of the hon. Baronet opposite (Sir Richard Wallace), had been placed in the Bethnal Green Museum, it was impossible at present to find room for a School of Science and Art in the institution. As regarded the Library, however, if the Government saw reason to believe that one would be of use in that locality, they would be happy to form one there from the collection of books at South Kensington.

POLICE SUPERANNUATION.

QUESTION.

SIR JOHN OGILVY asked the Secretary of State for the Home Department, Whether he proposes to introduce a measure this Session for providing superannuation allowances for the police forces throughout the kingdom?

MR. BRUCE, in reply, said, he was bound to admit that the state of the superannuation allowance to the police force in England, and still more in Scotland, was by no means satisfactory, and he much wished that he could have dealt with the subject during the present Session. The hon. Baronet would, however, see that, considering the position of the question of local taxation of which a large part went to the maintenance of the police force, there was but little chance of carrying a measure dealing with this matter on its own merits. Under those circumstances, he could hold out no hope at present of the introduction of a measure such as that indicated by the hon. Baronet for England and Scotland. With regard to the metropolis, however, the question was different, and he had now a plan under consideration which he hoped he should be able to bring into use before long.

POST OFFICE—THE ANGLO-ITALIAN MAILS.—QUESTION.

SIR DAVID WEDDERBURN asked the Postmaster General, Whether his attention has been directed to the delay attending the transmission of the Anglo-Italian Mails by the present route viâ Belgium and Germany, and to complaints that the minimum charge for a letter is sixpence, while the transit occupies a period varying from four to ten days; and, whether he can state what would be the cost and the time necessary for the transmission of letters from England to Italy if the direct route through France were to be resumed?

MR. MONSELL, in reply, said, he was sorry to be obliged to admit that the postal communication between this country and Italy was in a most unsatisfactory state. The present through rates for the conveyance of the Italian mails through France under the Convention were very high, and there was but one train daily from Paris to Italy. Her Majesty's Government, however, were negotiating with the French Government with the view of altering the transit rates, and securing an additional mail, and he hoped that before long some more satisfactory arrangement would be come to. At the present moment he was unable to say when such new arrangement would be made; but he had reason to believe that before very long the charge for the conveyance of a letter from England to Italy would be reduced to about 3*d*.

METROPOLITAN BOARD OF WORKS—THANKSGIVING IN THE METROPOLITAN CATHEDRAL.—QUESTION.

MR. BOWRING asked the Chairman of the Metropolitan Board of Works, Whether it is true that, on the representation of the Ratepayers of the Metropolis or for other reasons, the Official Auditor has just disallowed a sum of between £3,000 and £4,000 expended by the Board in erecting sheds for the accommodation of the Metropolitan Vestries and their friends on the occasion of the National Thanksgiving last year for the recovery of His Royal Highness the Prince of Wales; and, whether the whole or any portion of that sum has already been actually paid by the Board; and, if so, what course they intend to adopt in consequence of such disallowance?

COLONEL HOGG: In answer, Sir, to the Question of the hon. Member, I beg to reply that on the occasion of Her Majesty proceeding in State to St. Paul's to return thanks for the recovery of His Royal Highness the Prince of Wales, the municipal authorities deemed it their duty to show their respect and loyalty, in accordance with usage in London and all other large towns. The expenses incurred by the Metropolitan Board for the erection of seats amounted to £3,579 17*s*. 6*d*., and were for the purpose of enabling the local representatives of the whole of the metropolis to testify their loyalty by participating in the general rejoicing. The auditor has thought fit to disallow the sum in question, not, however, as far as I know, on the representation of the ratepayers of the metropolis, but of a small number of objectors, who were represented at the audit by about eight ratepayers. I may add that the money has been paid, and that I am not aware what course may be adopted by the Board.

RAILWAY COMPANIES AND THE COAL TRADE.—QUESTIONS.

MR. J. B. SMITH asked the President of the Board of Trade, Whether the London and North Western or any other Railway Company can legally refuse to carry coals for any other persons than coaldealers, designated by the Railway Company as "registered traders?"

MR. CHICHESTER FORTESCUE replied that he could hardly give an authoritative answer to the Question of the hon. Member. As far as his own belief, however, went, he thought that if the railway company carried coals for one class of people they must also convey them for other classes. They could not refuse to convey for those who were not coal dealers. It did not, however, follow that all coals must be carried under all circumstances at the same rate, seeing that much depended upon the peculiar circumstances of each case, such as the largeness of the quantity sent, and the regularity of the delivery on the part of the customer. He had no official means of knowing more on the subject.

MR. EYKYN asked, Whether any restriction has been laid on the conveyance of coals between Rugby and London?

MR. CHICHESTER FORTESCUE: I know nothing whatever about it. I have no official means of knowing anything about that matter.

ARMY—THE EASTER VOLUNTEER REVIEW.—QUESTION.

MR. HENRY SAMUELSON asked the Secretary of State for War, Whether the hitherto annual Easter Review of Volunteers has not proved to be of great use to the Force, as a stimulus to recruiting; and, whether, it is to take place this year as usual; and, if not, if he would state to the House why the Review is to be given up this spring?

Mr. CARDWELL: I share, Sir, in the belief which has been expressed by the Committee of Commanding Officers that the Easter Monday Review has had the effect in former years of giving a stimulus to recruiting. This year, in answer to a letter received from the Committee, the Inspector General of the Auxiliary Forces stated that he had no objection to the Review being held, and that if the Chairman of the Committee of Commanding Officers would submit the name of the place at which it was proposed to hold it, His Royal Highness the Commander-in-Chief would give directions for conducting it in such a manner as would be likely to conduce to the same results as those which elicited General Ellice's Report on the last occasion. To that letter no answer was returned, and I only know the decision of the Commanding Officers from having seen the proceedings reported in the public papers.

ELEMENTARY EDUCATION ACT, 1870.

QUESTIONS.

Mr. KAY-SHUTTLEWORTH asked the First Lord of the Treasury, in reference to the announcement in Her Majesty's gracious Speech of a measure "for the amendment of certain provisions of the Education Act of 1870," Whether the House can be in possession of the proposals of the Government before it is invited to discuss the Resolution which stands in the name of the honourable Member for Birmingham for the 11th of March?

Mr. GLADSTONE, in reply, said, he never had any serious expectation that before the 11th of March it would be possible for them to make such progress with the Irish University Education Bill as to put the Government in a condition to bring before the House its proposals with regard to the Education Act of 1870. The progress so far made with the Irish University Bill had confirmed him in that belief. But his hon. Friend the Member for Birmingham (Mr. Dixon) was well aware that the Government not only desired, but fully intended to make proposals to the House, and to make them in such time as should give a favourable and advantageous place to the subject in the Business of the Session; and he trusted that under these circumstances his hon. Friend might be disposed to postpone his Motion from the day for which it stood until a future day, relying upon the assurance which he had given him on the part of the Government.

Mr. DIXON asked, Whether, in the event of the first reading of the Education Act Amendment Bill taking place and he should wish to bring forward his Motion, the Government would give facilities for so doing?

Mr. GLADSTONE said, it would be competent for his hon. Friend, if he should think fit, to make his Motion as an Amendment to the Government Motion; and the very fact of the Government making a proposal would give him the opportunity which he desired to have.

Mr. DIXON said, he did not think that that was quite the same thing. If he were to move an Amendment on the Bill brought forward, that would be taking a position of antagonism to the Bill. That was a position which he hoped not to have to occupy. His Resolution was not necessarily antagonistic to the Bill at all, and was not intended to hamper any measure brought forward by the Government; and therefore he hoped that the Government would give him the opportunity of bringing forward his Motion at some other time. Under such circumstances he would accede to the suggestion of the Prime Minister.

COUNTY PALATINE OF DURHAM—THE QUEEN v. COTTON.—QUESTION.

Mr. WHEELHOUSE asked the First Lord of the Treasury, Whether his attention has been called to a Resolution of the Northern Circuit in reference to the conduct of the prosecution of "The Queen *v.* Cotton" at the present Durham Assizes; and whether steps will be at once taken to place the Attorney and Solicitor General of the County Palatine of Durham in the position to which they were rightfully entitled, as officers of and appointed by the Crown, in reference to such prosecution?

Mr. GLADSTONE, in reply, said, that he received a note about two o'clock from the hon. Member, giving him Notice of his intention to put these questions, and he (Mr. Gladstone) had spent a good deal of time since that hour in endavouring to ascertain what he could possibly have to do with the matter.

He was bound to say that he had been unsuccessful in that investigation. It was a Question, so far as he understood it, about a matter which belonged to those formidable mysteries of the legal profession into which he had never presumed to pry—the question of the right of a certain person to hold a leading brief in a certain case under certain circumstances, and the right of the Attorney General to override that supposed right and to make the arrangement at his own discretion. His share of worldly wisdom might be very small, but he was not at all disposed to interfere between the Attorney General and the other legal functionary, until it appeared clear to him that, in virtue of some official title or obligation at present quite unknown to him, it was his duty to do so. The hon. Member in putting his Question had selected the wrong man. It should have been addressed to his hon. and learned Friend the Attorney General.

Mr. WHEELHOUSE said, he thought that surely the head of the Government would have interfered between his two Attorney Generals.

COUNTY COURT JUDGES—MINUTE OF JUNE 1872.—RESOLUTION.

Mr. JAMES, in moving a Resolution, that the application of the Treasury Minute, dated June 22, 1872, to County Court Judges appointed prior to the 17th September, 1870, would be unjust and inequitable, was understood to say that the object of his Motion was to obtain a determination of certain questions that had arisen between the Lords of the Treasury and certain of the County Court Judges, and his contention was, that so long as the County Court Judges continued to perform substantially the same duties as they had hitherto performed, they were entitled to a fulfilment of the contract into which the Treasury had entered with them on their appointment. He understood that it was the intention of the Chancellor of the Exchequer to accept his Motion in its terms, and therefore under ordinary circumstances he should not have thought it necessary to address the House. He hoped, however, he might be excused from asking the right hon. Gentleman whether he quite clearly understood the spirit in which this Motion had been placed upon the Paper — because the mere acceptance of it in its literal terms without the intention of carrying out its spirit would be of no avail? The object of the Resolution was to secure to the County Court Judges who were appointed prior to September, 1870, the same position in reference to travelling expenses as they held now, so long as they continued to perform the same duties which they now performed. If the right hon. Gentleman fully accepted the Resolution, then he (Mr. James) would move it without further comment.

The CHANCELLOR of the EXCHEQUER said, that he was ready to accept the Resolution, but he could not undertake to say what meaning might be put upon it.

Mr. JAMES said, that that being so, he would briefly state the grounds upon which his Motion was based. Its object was not to increase the emoluments of the County Court Judges in any way, but to secure those of them who had been appointed prior to the 17th September, 1870, against being affected by the retrospective action of the Treasury Minute issued in June, 1872. When these Courts were first instituted, the County Court Judges sent in every year detailed statements of the expenses they had had to incur in travelling over their circuit. But in 1862 the Lords of the Treasury proposed that those expenses should be commuted, and that the Judges should receive a sum certain, and an arrangement to that effect was entered into with the Judges. He had to put a very simple proposition to the House—that the arrangement entered into between the Lord Chancellor and the County Court Judges who then held the appointments amounted to a contract—he did not mean such a contract as could be enforced by law, but such an one as would be held binding by all honourable men—at all events, it amounted to an obligation which Parliament, he thought, would respect. The nature of the arrangement was this—The County Court Judge, on receiving his appointment, was told that he must give up his private practice at the Bar, and that he would receive a salary of £1,500 a-year, and allowances for travelling expenses amounting to between £200 and £300 a-year. If a commercial traveller or a domestic servant were engaged on the same terms, with a fixed allowance to the traveller for expenses, or to the servant for board wages, and if afterwards the employer sought to reduce the fixed allowance on the plea that the one might travel more cheaply, or that in the other case provisions were cheaper, the traveller and the servant would have a right to say—"We know we save money out of what you allow us; but the arrangement was one which you yourself made; we are willing to perform our part of the contract, and we call upon you to perform yours." But the case was even stronger in the case of the County Court Judges, for they had probably given up a lucrative practice, and could not, like commercial travellers or servants, return to their profession with any hope of success. They had relinquished professional incomes and hopes of professional advancement, and they now asked, with reason, that the State should continue to pay them what the State had contracted to pay them. Perhaps it might be said that a public appointment was subject to conditions of public policy. If so, the County Court Judges should have been told at the time that these allowances would be subject to further revision; and if the allowances were to be diminished, let them be diminished by a Parliamentary vote. The right of the Judges, however, was taken away not by a vote of this House upon the Estimates, but by a simple Minute of the Treasury. This contract continued to be made with the Judges appointed between 1862 and 1870; but in 1870 the Treasury concluded that economy might be effected by arranging with future County Court Judges that they should not receive the same amount as their predecessors. No complaint could be made of such an arrangement. If Judges took their appointments subject to it, they could have no ground of complaint, and his Motion did not apply to them. But in September, 1870, the Treasury, having this subject under consideration, came to the conclusion that it would be unjust to give retrospective effect to their new Minute, and he only wished the House to say that what the Treasury thought right then was right now. It would be in the recollection of the House that in that particular month which the right hon. Gentleman at the head of the Government had described as one in which hon. Members were apt to be inactive in the performance of their duties.

MR. GLADSTONE: I beg pardon. What I said was that hon. Members suffered more from the Parliamentary work during the hot months than at any other period of the Session.

MR. JAMES: Well, it was, at all events, at that period of the year when the House was in possession of the Estimates, that his hon. and learned Friend the Member for Ipswich (Mr. West), whose mind was something like an elephant's trunk, capable of dealing with the greatest and the minutest subjects, condescended to draw the attention of the right hon. Gentleman (the Chancellor of the Exchequer) to these allowances. His hon. and learned Friend seemed to be in a great minority in this House, and withdrew his Amendment; but somehow or other he prevailed upon the Chancellor of the Exchequer to carry his views into effect. In what zephyr-like whispers, wafted by what Favonian gales, his hon. and learned Friend's suggestions reached the Treasury he did not know; but, at all events, the right hon. Gentleman yielded to private representations what he had refused to the argument of debate. Now, advice to a Minister from the bench immediately behind the Ministry was advice which should always be looked upon with suspicion. He was not referring to Members of long experience in Parliament who sat behind the front bench, but rather to those more active and assiduous Members of the House, who always felt or seemed to feel uneasy unless they were in immediate contact with some favourite Minister. Advice from such Members should be regarded with suspicion, because it was likely to be moulded not upon the circumstances and exigencies of the case, but in order that it might suit the ear or the disposition of the favourite Minister. The discussion occurred in the House on the 17th of June; and on the 22nd of June the Treasury issued a Minute which was sent to every County Court Judge, and contained the following paragraph:—

"My Lords being of opinion that no expenses should be allowed beyond what may be necessary to indemnify a Judge for his outlay, on the supposition that he resides at the most convenient place within his circuit, direct that the allowances made to all the Judges appointed prior to September, 1870, should be revised upon the principle upon which allowances have been fixed since that date."

The rule, therefore, was retrospective in its effect. This Minute appeared to be based on the principle that a Judge should reside in the district where his Court was situated. But in the great majority of cases the Lord Chancellors had acted on an opposite principle—as would almost every practical man. Almost every common law Lord Chancellor who had sat on the Bench since the County Court Judges were first appointed had acted on the presumption that it was better that the County Court Judges should not reside in the district of their Courts. Lords Cranworth, Campbell, and Chelmsford, and an able equity Lord Chancellor (Lord Cairns), had all acted on this presumption. The reason they had come to this conclusion was obvious—they had themselves travelled on circuit and seen the inconvenience of either Judge or counsel associating with the suitor. If that were the conclusion come to in the case of Judges in Eyre, how much more imperative would the rule be in the case of a County Court Judge, holding not so distinguished a position as a Judge of the Superior Courts, who would accept invitations to the house of the attorney and local barrister, who would sit by the side of the suitor, or, what would be far worse, beside the suitor's wife—and who, under such circumstances, would be in danger of drawing a conclusion upon a case of the future from chance conversation rather than from evidence, and might even be influenced by prejudice or local influence. Lord Campbell was so strongly impressed with these considerations that at one time he was moved not to allow a Judge to remain more than five years in any particular district, so that he might rid himself of influences likely to result in favouritism. But notwithstanding that no Lord Chancellors but Lord Hatherley and Lord Westbury had expressed a wish that County Court Judges should live in their districts, and notwithstanding that those Judges had in almost all cases been told upon being appointed that it would be preferable if they lived at a distance, the Lords of the Treasury now told them they would be fined if they did not choose to live in the district of their Courts. To illustrate the inconvenience of the enforced residence of a County Court Judge, he would give an instance. When Mr. Rupert Kettle, whose name was, probably, familiar to most hon. Members, determined to accept the offer of the County Court Judgeship of Staffordshire, he did so on the understanding that he should occupy his house in Wolverhampton, where he had property, and be allowed his travelling expenses. Mr. Kettle had, however, recently received a letter from the Treasury, which was, probably, a fair specimen of the letters which had been sent to other County Court Judges. It was an extraordinary production; the work of some most industrious and able Treasury official, who seemed to have studied *Bradshaw*, and probably a map, before ordaining the way in which Mr. Kettle was to go to his Court. Now, it happened that Dudley, and not Wolverhampton, was the centre of the district; and the Treasury clerk ordained, in the first place, that Mr. Kettle should live at Dudley, and that if he declined he should be fined. Dudley was in the middle of "the black country," and, as far as he recollected it, was composed principally of mounds of cinders or slack, and it was not unusual to find heavy-looking men lying upon these mounds, with short pipes in their mouths and a bull-dog between their legs. Mr. Kettle, not being particularly partial to cinder heaps, and not liking bull-dogs, preferred to reside at Wolverhampton. That, however, did not satisfy the Treasury clerk, who required him, under certain forfeitures, to take up his residence at Dudley, and then dealt him out right and left, like a round game at cards, irrespective whether it was market or fair day at the places he would come to, and irrespective also of whether the sessions were being held; and he was to do this because it would result in a saving of £130. The Judge was not asked whether he approved the course marked out for him, but only whether he approved the calculation; and it did not appear to have occurred to the Treasury that the course marked out by the clerk might not suit the convenience of the public. On the 29th of July last, the hon. Member for South-east Lancashire (Mr. Assheton Cross) asked a Question, whether it was still intended that the Minute of June, 1872, should apply to Judges appointed prior to 1870. The right hon. Gentleman admitted that circumstances had come to his knowledge since deciding on this scheme which had induced him to modify his opinion; that he had now learnt that in the opinion of several Lord Chancellors, it was not desirable that County Court Judges should reside within their districts; and he added that if any Judge had made his arrangements for life in deference to the opinion of the Lord Chancellor appointing him, that circumstance constituted a claim on the Treasury, and that expenses ought to be paid which otherwise would not have been allowed. So that if a gentleman had taken a long lease of a house or had bound himself by contract, he would get relief from the right hon. Gentleman; but if he had taken a house from year to year or by a short lease he would obtain no relief, but must be fined if he declined to live in the town fixed upon by the Treasury clerk, notwithstanding consideration for the public convenience would not allow him to live there. Surely the County Court Judges were entitled to be more fairly dealt with? Their labours had been added to by giving them jurisdiction in Equity, Bankruptcy, and Admiralty cases; and although they had contracted to give their whole time to the public service the value of money had decreased since their appointments were made, and with more work they received less actual pay than they did 10 years ago. These Judges had not only technical duties to perform, but others of a higher character. It was expected of them that they would check rapacity and control dishonesty; they had to carry out almost a patriarchal system; and he could not believe it was worth while to pursue with regard to such men a policy of discouragement. The hon. and learned Member concluded by moving the Resolution.

Motion made, and Question proposed,

That the application of the Treasury Minute dated the 22nd day of June 1872, to County Court Judges appointed prior to the 17th day of September 1870, will be unjust and inequitable; and that no Judge appointed before such date should be subjected to the operation of any Minute which will prejudicially affect the position upon the faith of which he accepted his appointment.—(*Mr. James.*)

Mr. GLADSTONE: I wish to call attention to the extraordinary method of proceeding adopted by the hon. and learned Gentleman who has just addressed the House; but before doing so let me make a single remark on the closing part of the hon. and learned Gentleman's speech. He has entered upon a general eulogy of the County Court Judges, and, describing the unparalleled functions they have to discharge, he has appealed in the most impassioned manner to the House in favour of dealing with them on the most liberal terms. That would be very fair matter to introduce into a Motion for augmenting the salaries of the County Court Judges, but it is not in the slightest degree pertinent to the issue raised by the hon. and learned Gentleman's Motion, which involves simply a question of good faith. It is to this question of good faith—notwithstanding the hon. and learned Gentleman has favoured us with as bewildering a statement as ever I have heard in this House either by lawyer or layman —["No, no!"]—as bewildering a statement—["Oh, oh!"] I do not know what calls forth the indignation of some hon. Members. There is nothing indecorous in the expression I made use of. I say a statement which places out of view the main issue and leads the attention of the House from it is, in my opinion, a bewildering statement. A Motion stood upon the Notice Paper of the House until last night in the name of the hon. and learned Member for Taunton (Mr. James.) At the last moment the hon. and learned Gentleman appears not to have been satisfied with the language of his Motion, and—doing that which he was perfectly entitled to do—he altered its terms, and it appears in that altered form upon the Paper this morning. My right hon. Friend the Chancellor of the Exchequer, on reading the Notice as it appeared this morning, considered that it was one to which he could accede, and I believe that a communication to that effect has been made to the hon. and learned Gentleman. On receiving that Notice my hon. and learned Friend rises and says—"I understand that it is the intention of the Chancellor of the Exchequer to accede to my Motion in its terms. I hope, however, I may be excused from asking him whether he clearly understands the spirit in which this Motion has been placed upon the Paper?—because the mere acceptance of its literal terms without the intention of carrying out its spirit will be of no avail," and then proceeds in his speech to put an interpretation on the terms of the Motion which he had amended this morning, and to require my right hon. Friend by a categorical answer to bind himself to that interpretation. Now, I ask whether, in the memory of hon. Members of this House, they ever recollect such a proceeding to a Government or the Member of a Government before? Such a proceeding, if adopted and acted upon, would throw into confusion the whole Business of the House. If the right hon. Gentleman the Chancellor of the Exchequer is to be supposed capable of accepting the Motion in letter and not in spirit he deserves not only what has been already said, but a straightforward censure. That an hon. Gentleman should make a speech and attach to the terms of his Motion some construction of his own, and upon the instant ask a Minister if he adopts the Motion in that sense is an entirely unfair and an unwarrantable proceeding. But what is the question — because, though I complain of the proceeding, I want to know what the contention of the hon. and learned Gentleman really is. I suppose that the Members of this House understand it, who were displeased when I said that the statement of the hon. and learned Gentleman was "a bewildering statement." I suppose they understand it, but I declare I do not. I will now endeavour, if I can, to get at the nature of the case. We thought we had done all the hon. and learned Gentleman required. He places an amended Motion on the Paper; that Motion was to be understood as a full and clear exposition of his views. We accept it, but he is not satisfied; and he wants to know whether we accept it in the sense of his speech. But I do not know what the meaning of that speech is now, or what it is to which he intends to bind us. The hon. and learned Gentleman has complained very much of the Minute of the Treasury, of June 1872. There is no question about that Minute. My right hon. Friend the Chancellor of the Exchequer has stated distinctly that he does not propose to apply that Minute; he accepts the words of the Motion as applicable to it. What, then, is the contest about? My hon. and learned Friend amends his own Motion; we agree to it; and as to the meaning, strange as is the manner in which that meaning is put to us, I am sincerely anxious to find what it is. Anyone who has listened to the speech of the hon. and learned Gentleman would suppose that the Treasury had been laying down some rule as to the residence of the County Court Judges. I ask, was not that the impression conveyed to the House? But as I am told the Treasury has never interfered in the matter at all.

Mr. JAMES: I admit that the Treasury have never interfered; but they fine them if they do not do it.

Mr. GLADSTONE: The hon. and learned Gentleman says they fine them if they do not do it. I should like to know the meaning of that expression. As I apprehend it is not comformable to what the Government conceive to be the state of the facts. I say that the Treasury has never interfered. I am not conversant with the details of this proceeding, but I do not admit that the Treasury "fine them if they do not do it." We undertake to say that no just ground of complaint shall in future exist on that score; and why is not the hon. and learned Gentleman satisfied with the acceptance of his Motion by the Government? What, then, is it that the hon. and learned Gentleman asks of us? There is a Committee appointed at this moment, and that Committee is to consider the practicability of reducing the public expenditure; this is a question of reducing public expenditure; will he be content to refer the matter to that Committee? [Mr. James: No.] The hon. and learned Gentleman says he will not. That Committee is not under the control of the Government. That Committee is composed, the Chairman being in the chair, of an equal number of hon. Members chosen from each side of the House. But the hon. and learned Gentleman is not content with the acceptance of his own Motion; he is not content with the proposal that it shall be referred to an impartial Committee. Well, then, what is it that he wants us to do? I have told him that the Treasury does not stand upon the Minute of 1872; that it does not stand upon any title to interfere with the residence of Judges—that is a matter for judicial consideration rather than for ours—and if there has been what he calls "fining," the Treasury adheres to no such intention. What, then, does he ask? Does he ask that those County Court Judges who have received a certain circular dated September 24, 1852, and signed "G. A. Hamilton," shall have a life interest recognized in the scale of travelling expenses as then determined? Does he ask that?

Mr. JAMES: If the right hon. Gentleman appeals to me, I say that the

Circular applies only to County Court Judges who were appointed prior to 1852, and not to those who were appointed subsequently.

Mr. GLADSTONE: I want to know whether upon the terms of this Circular the hon. and learned Gentleman claims a life interest for those County Court Judges who had travelling expenses settled upon the basis of it? That is the question, and that is, as far as I know, the only question upon which we can be at issue with the hon. and learned Gentleman. He seems desirous to raise questions—I will not say "desirous," but he has needlessly raised this question. I tell him we do not differ about the Treasury Minute about the residence of the Judges; but I want to know whether he really requires us to recognize a title for life in the scale of expenses then allowed to County Court Judges who were appointed before 1852?

Mr. JAMES said there were only seven of them.

Mr. GLADSTONE: Never mind that.

Mr. STANSFELD said there were 12.

Mr. GLADSTONE said, the hon. and learned Gentleman did not appear to be so correct as he should have been upon the point. If we are agreed upon the construction of the passage in question, I do not believe any ingenuity can get up any other point of difference. [The right hon. Gentleman then read the passage of the Circular to which he referred, which was to the effect that in order to relieve the Judges from the necessity of rendering periodical accounts of travelling expenses a fixed sum would be allowed, and accordingly the Treasury had been directed to pay to them by equal quarterly payments "until further directions" the sum of — pounds.] Does my hon. Friend claim that as a title for life? Will he not allow that a County Court Judge has not acquired under that Circular a title for life to a scale of expenses which was to continue "until further directions?" Does he or does he not claim a title for life under that Circular? I have a right to ask that question; and as he waited for an answer, I also wait——

Mr. JAMES: I am anxious not to be wanting in respect to the right hon. Gentleman, and if he wishes for my answer I will give it. In the first place, it was never communicated to any Judges appointed after 1852 that this arrangement was only to be "until further directions;" and the only discussion is as to the Judges appointed since then to whom the circular was never communicated up to the present time.

Mr. GLADSTONE: Then I am aware of no difference of opinion between us and the hon. and learned Gentleman. If he says it is for life, I will not be bound to support either his speech or his Motion. If he says it is not for life, I can only say that we have every disposition to work with him in considering this matter in an equitable spirit, and I am not aware that there is any other point of difference between us. But where payment is ordered and notice given that the payment will be "until further directions," I cannot really see that any life interest can arise.

Mr. ASSHETON CROSS said, the House had been made aware about 12 months ago that Her Majesty's Government, in spite of all their abilities, had difficulty in understanding the meaning of Acts of Parliament. Since then they had painful experience that they did not well understand the meaning of Treaties, and now it appeared they had difficulty in comprehending the meaning of a Notice of Motion. The right hon. Gentleman at the head of the Government had alluded to the fact that two Notices had been placed upon the Paper; it would be as well that the House should see in what respect those Notices differed, and then they would be able to form their own conclusions as to the difficulty in which his hon. and learned Friend (Mr. James) had been placed by the answer of the Chancellor of the Exchequer to what he certainly thought a very plain and simple question—an answer which he ventured to say no man in the House really understood the meaning of. The first Notice as it originally stood on the Paper was this—

> "County Court Judges,—That the application of the Treasury Minute dated the 22nd day of June 1872, to County Court Judges appointed prior to the 17th day of September 1870, will be unjust and inequitable"—

Now came the important clause in the Notice—

> "and that the operation of such Minute should be limited to the Judges appointed subsequent to that date."

As the objectionable Minute had been withdrawn, the Notice of Motion, as originally drawn, had become useless, for the Minute being withdrawn could have no further operation; but it was quite clear that those County Court Judges might still fall under the operation of some other Minute different in terms, but similar, at all events, in spirit to the original Minute. The last words of the amended Notice, therefore, were most important—

> "And that no Judge appointed before such date should be subjected to the operation of any Minute which will prejudicially affect the position upon the faith of which he accepted his appointment."

He asked the House whether it was not perfectly clear that when his hon. and learned Friend asked the question whether the amended Notice was accepted in good faith by the Government, it was no answer for the Chancellor of the Exchequer to say that he accepted it fully and fairly, but could say nothing of the spirit in which it was taken—the spirit being that no future Minute whatever should be made which should in any like manner prejudicially affect the County Court Judges. The question was simply this—would they or would they not fulfil the contract they had entered into with the County Court Judges appointed before 1870, and on the faith of which they had accepted the appointment? The contract was not such that the County Court Judges could in a Court of Law compel the Treasury to pay the money; if that was the case there would be no occasion to come to that House. The question was one as between honourable men—a contract between the County Court Judges and the Government; and if the Government would say they would not disturb that contract in any way, but accept it fairly and fully in its spirit, and that the rights of the County Court Judges would be preserved untouched, they would be satisfied. It was said by the First Minister that the Treasury never interfered with the residence of the County Court Judges, and never fined them for non-residence in a particular locality. He would read to the House the terms of the Minute, and they would see whether the right hon. Gentleman really understood the position which the Treasury had taken up. The Minute stated—

> "In 1870, upon the appointment of the present Judge of Circuit 35, My Lords took into consideration the size and circumstances of that circuit, and caused to be forwarded to the Judge a calculation showing the sum to be allowed, based upon the supposition that the Judge should live at, or in the immediate neighbourhood of, the town in which that Court was held at which he would have to sit most frequently, and that he should go to and return home from those Courts which were within easy distance either by rail or road of such town. Upon this principle the allowances to all subsequently appointed Judges have been made."

So far all was right, for the Minute only related to the Judge appointed in 1870, and all Judges to be afterwards appointed, who were all appointed subject to the alterations made in 1870. But now came the important words of the Minute—

> "My Lords, being of opinion that no expenses should be allowed beyond what may be necessary to indemnify a Judge for his outlay, on the supposition that he resides at the most convenient place within his circuit, direct that the allowances made to all the Judges appointed prior to September, 1870, should be revised upon the principle upon which allowances have been fixed since that date."

He asked if that was not a breach of the faith on which the contract made with those Judges who had been appointed before 1870, had been accepted? That was the Minute of 1872. [The Chancellor of the Exchequer: The Minute is withdrawn.] He knew it it had been withdrawn. He was coming to that point. That was the strongest argument possible against the action of the Government. Why had it been withdrawn? How had it been withdrawn? Why Her Majesty's Government had been forced to withdraw it because it was in bad faith. By its withdrawal the Treasury had condemned itself. What was now wanted was an assurance that no other Minute would be placed on the Treasury books which would have a similarly prejudicial effect on the position of the County Court Judges. Unless that assurance was given, he hoped the House would feel it to be their duty to affirm the Resolution of his hon. and learned Friend.

Mr. STANSFELD said, he thought his right hon. Friend the Chancellor of the Exchequer had but scant courtesy extended to him by the hon. and learned Gentleman who had just addressed the House (Mr. Cross). He had stated in the plainest words that the action of his right hon. Friend at the end of last Session in expounding a Minute which had since been withdrawn was taken in bad faith towards the County Court Judges; and that having been convicted of bad faith his word should not be accepted when he assented to the Motion of his hon. and learned Friend. ["No, no!"] Then, why was he not content with the answer of his right hon. Friend? The hon. and learned Gentleman took care not to quote the answer he received last Session, but said it was uncertain and unsatisfactory.

MR. ASSHETON CROSS had said the answer of the Chancellor of the Exchequer now to his hon. and learned Friend was uncertain and unsatisfactory.

MR. STANSFELD said, he had misunderstood the hon. and learned Gentleman. He accepted the explanation; but he was entitled to refer to the answer of his right hon. Friend last year to show that a more explicit answer had never been given, and, if believed, there was no excuse for the Motion of his hon. and learned Friend. What was the answer of his right hon. Friend on that occasion? He said—

> "Since the issue of this Minute he was bound in candour to say that fresh facts had come to his knowledge since the decision of the Committee was arrived at. It appeared to have been the opinion of several Lord Chancellors—though not of the present one nor of Lord Westbury — that County Court Judges should not reside in their districts; and he freely admitted that if any gentleman had made his arrangements for life in deference to that opinion, the circumstance constituted a claim on the Treasury, and that expenses ought to be paid which otherwise would not have been allowed. The Treasury, therefore, were not willing to take the matter in a lump, but intended to consider each case separately, with a view of rendering complete justice to those who had submitted their claims."—[3 *Hansard*, ccxiii. 48.]

Here was as clear and explicit a statement as had ever been made by a Minister in that House. Nevertheless, his hon. and learned Friend (Mr. James), chose to bring forward his Motion, which was in these terms—

> "That the application of the Treasury Minute dated the 22nd day of June 1872, to County Court Judges appointed prior to the 17th day of September 1870, will be unjust and inequitable; and that no Judge appointed before such date should be subjected to the operation of any Minute which will prejudicially affect the position upon the faith of which he accepted his appointment."

But even then he was not content, for when told by the Chancellor of the Exchequer that he accepted his Motion in its own terms, he replied that he must bind himself to it in spirit—that was in the spirit of the gloss which he (Mr. James) put upon it. But that gloss could not, and ought not, to be accepted, because it was not consistent with the terms of the Motion itself. If there was a contract, and so far as there was a contract the Treasury was bound by it; but the gloss which the hon. and learned Gentleman sought to put upon it, and to get accepted on the spur of the moment, was that in every case there was a contract, that it remained binding under any circumstances, and that the Treasury henceforth was not at liberty to revise the allowance as regarded those to whom the Circular referred, or who held office before September 1870. He would explain the arrangement of 1870, which was proposed by himself; as it might have some bearing upon the criticisms of the hon. and learned Member, who had spoken severely of the necessity it would impose upon County Court Judges of changing their residences or being fined in default, if it were made to apply to the past. In order to arrive at a fair and reasonable calculation of the amount which should be allowed for travelling expenses, he assumed that a County Court Judge resided in the centre of his district, in some town which would probably furnish the largest amount of business. ["Oh, oh!"] That was his own assumption, for he made the arrangements in question. He then had a careful calculation made of the number of Courts the Judge would have to attend and of the way in which, according to experience, he would have to pass from Court to Court, and made an addition of 15 or 20 per cent to such estimate; and in the case which had been referred to, on the appointment of the Judge, he asked the Judge to call at the Treasury, and there explained to him the basis of the calculation, inviting his criticisms upon it. The learned Judge took it away, and after he had taken time to consider the calculation, when he returned it, certain additions, based on his criticisms, were conceded, 15 per cent was added, and the result was accepted by the learned Judge as satisfactory. When it was proposed by Minute to apply the same principle to Judges already appointed, all that occurred was that the method of calculation was set before them, and they were invited to dispute its correctness, if they thought fit to do so. It was putting the worst construction, rather than the best, upon the Circular to say that they were asked merely to check the arithmetic of the calculation;

and as that was not the process applied to the Judges of the future, it could not be held that it was intended to be applied to the Judges of the past. With regard to the question of contract, he could not for a moment admit that in each and every case of the appointment of a Judge before 1870 there was a contract absolutely binding upon the Treasury during the rest of the Judge's life and service. In the first place, with respect to the 11 Judges out of the 37 or 38 who might be affected by this matter, the Circular of 1852, read by his right hon. Friend to the House, showed that no contract was entered into with them, and that the arrangement which the Treasury had made for the payment of personal expenses was subject to revision and correction in the future. The hon. and learned Gentleman (Mr. James) said that every one of the County Court Judges appointed between 1852 and 1870 left the Bar and accepted a Judgeship upon a prior understanding with the Treasury not only that he would receive a specific salary for the rest of his term of holding the office, but that he would also have a sum that would never be varied for the payment of his travelling expenses. Yet the hon. and learned Gentleman had produced no evidence on which to found that allegation. The closest inquiries had been made by the Treasury, and upon the strength of those inquiries he was prepared, on behalf of the Treasury, emphatically to deny the accuracy of the statement of the hon. and learned Gentleman. Although the Treasury could not admit that there were binding contracts in cases in which there were not, and although the Treasury could not tie their hands from in-inquiring into these cases, there was no disposition on the part of the Government, or of the Treasury, to inquire too closely or in any hostile or unfriendly spirit into the receipts in respect of personal expenses of men who had held office for 15, 20, or 25 years. If hon. and learned Members would have the goodness to dismiss unwarrantable suspicions from their minds, they would be quite satisfied with the assurance of his right hon. Friend, and with his acceptance of the terms of the amended Motion.

Mr. WEST said, he wished to set his hon. and learned Friend (Mr. James) right as to what had actually occurred with regard to this question. In 1869 he first called attention to the absurd extravagance of the travelling expenses of the County Court Judges. In 1872 he proposed a reduction of the Vote. The Chancellor of the Exchequer on that occasion pressed him not to divide the House, promising to take into consideration the whole question of the travelling expenses of those Judges. His hon. and learned Friend had fallen into a series of mistakes upon matters of fact. Ample Notice was given of the Motion he proposed in 1872, and it was idle for any one to talk of being surprised. It was a mistake to suppose that he had any communication on the subject with the Chancellor of the Exchequer beyond what occurred publicly in the House. It was a mistake to say that since 1852 any bargain as to expenses had been made before the appointment of a Judge, for he received his appointment first and struck his bargain with the Treasury afterwards as to travelling expenses; and, indeed, any fixed contract might have involved great injustice in such a case as had occurred in Devonshire and Cornwall, where a vacancy was not filled up, but two districts were incorporated, and a Judge was required to hold his Court at 12 places, instead of eight. His hon. and learned Friend (Mr. James) was mistaken in nearly all his assumed facts. He said there had been extension of duties without increase of remuneration; but during 1857 the salaries of County Court Judges had been increased by £300—from £1,200 to £1,500 a-year—and since then their work had been diminished by 10 per cent. Since 1857 the total number of sittings in the year had fallen from 9,019 to 8,041. From the letters he had received since he took up this question it might be supposed that his life was in danger. He could assure the House that he had nothing to do with the Treasury Minute of 1872, and was absolutely ignorant of it until he heard from a friend of its having been issued, and he never had seen it until it was published in a pamphlet written by Mr. Daniel.

Mr. LOCKE said, he was somewhat astonished at his hon. and learned Friend the Member for Ipswich (Mr. West) getting up and stating that what everybody else had said was entirely wrong, and he was not less astonished that his hon. and learned Friend had not made any effort — except one, which nobody could regard as an effort at all—to show that he was right. What had been the course of his hon. and learned Friend? Certainly he had not shrunk from pocketing the money of the public, nor had he been ashamed of taking any place that had been given to him. His hon. and learned Friend had obtained one place after another; he had filled no fewer than eight places in succession; and he now held several, which made the sums paid to the County Court Judges appear mere trifles in comparison with what he himself received. What would his hon. and learned Friend have thought if a hard-worked County Court Judge had come forward and said that his hon. and learned Friend was too well paid? He would have been most indignant; and yet he was surprised that when he attacked a whole body of men by his Motion to reduce their salaries, they should write letters to him. It was a wonder they did nothing worse to him. Probably some of them might have been tempted to say to him—"Pray, why don't you look at home? Why do you come forward and attack us, when the duties that you perform might, in our opinion, not in your own, be performed at a very much smaller price than that which you put upon your genius?" Really, when his hon. and learned Friend got up to set right all the hon. Members of the Government sitting in front of him, and came forward with arguments which they could not have found out, and which they had not been able to adduce, it was very extraordinary that he should not have known more about the subject than he had shown that he did. His hon. and learned Friend stated that no arrangements had been made between the Government and any County Court Judge with regard to the exact sum that should be paid to him for his travelling expenses between 1852 and 1870. [Mr. West dissented.] Those were the words which his hon. and learned Friend used, that no such arrangements were made, and no sums agreed upon as those which a County Court Judge should be entitled to receive.

Mr. WEST said, that what he stated was, that the contract with regard to the payment of travelling expenses was always made after the acceptance of the office.

Mr. LOCKE: That was a distinction without a difference. A gentleman having been appointed a County Court Judge, his hon. and learned Friend said that simply because the Government entered into their compact with him after he had accepted the appointment, that was a reason why they should not pay him. Surely, whether the Government pledged their word before or after he accepted the office, they were bound as men of honour to pay the money. Therefore it was an extraordinary thing that his hon. and learned Friend, who had given such attention year after year to the emoluments of County Court Judges, should have made such an assertion as that there was no contract between the County Court Judges and the Government between 1852 and 1870, and that he should now explain that there certainly was a contract, but that they did not agree upon the payment till after the appointment had been accepted. Suppose they took a servant into their employment at £25 a-year, and, because he had accepted the appointment before they had come to a more definite arrangement as to money, they were to drop him down to £20. That would be a parallel to his hon. and learned Friend's argument.

Mr. WEST again explained that what he had stated was that the settlement of the amount to be paid for travelling expenses was not made until after the County Court Judge had accepted the office, the contract being that he was to receive £1,500 a-year for the office he accepted, but a payment was afterwards to be arranged upon the scale of the expenses he had to incur with regard to the circuit in which he was employed.

Mr. LOCKE said, he had no recollection of his hon. and learned Friend having said anything at all of that sort, but he left that matter to the House. He would content himself with giving a particular case. The County Court Judge of Manchester had Salford added to his district. His hon. and learned Friend being Recorder of Manchester, knew all about it, and would be able to correct any inaccuracy in the statement of the case. There was a compact in the case of the County Court Judge of Manchester in regard to the sum that should go for these expenses; that compact was made between 1852 and 1870. The compact previous to 1870 was that a certain sum of money should go for travelling expenses; and it was clearly understood that he should not live in the purlieus of Manchester or in any place near that city, but that he should have the advantage of living in London. That Judge had done so ever since his appointment, and there was no better County Court Judge sitting on the Bench. [Mr. WEST assented.] His hon. and learned Friend agreed with him at least in that. It being clear, then, that these compacts had been made, the Government had a plain course before them, which it would be almost impossible for them not to follow. The question might therefore be taken as practically settled, and they might expect to have rest, unless indeed his hon. and learned Friend should find out something else among his brethren at the Bar which he could bring forward in the House, and which would be extremely disagreeable. In that event he was sure the House would leave it entirely to that hon. and learned Member's efforts to do what mischief he could, but for his own part he was happy to say that his hon. and learned Friend had not been very successful on the present occasion.

Motion *agreed to.*

Resolved, That the application of the Treasury Minute dated the 22nd day of June 1872, to County Court Judges appointed prior to the 17th day of September 1870, will be unjust and inequitable; and that no Judge appointed before such date should be subjected to the operation of any Minute which will prejudicially affect the position upon the faith of which he accepted his appointment.—(*Mr. James.*)

TREATIES WITH FOREIGN POWERS.

RESOLUTION.

MR. SINCLAIR AYTOUN, on rising to move—

> "That, in the opinion of this House, all Treaties with Foreign Powers ought to be made conditionally on the approval of Parliament, as was done in the case of the Commercial Treaty with France in 1860,"

said, the question whether it was desirable to follow in practice the change his Resolution proposed, depended upon two considerations — namely, was the existing practice with reference to the negotiation and conclusion of Treaties by the Government consistent with the Constitution of this country or not; and was the existing practice with respect to the making of Treaties beneficial in its results? If he should be able to show that the present practice was not consistent with the Constitution, that would be a perfectly sufficient reason, to his mind, for adopting the Resolution. He was not unaware that the feeling which prevailed in the House and in the country upon this question was, that any existing practice which proved to be beneficial in its results should be continued, without reference to theoretical considerations. What was the practice always followed by the Government in making a Treaty? No information was given to the House with regard to these Treaty obligations until after they were settled. When a question was asked in the House, they were told that they should wait until the Treaty was concluded, and then express their opinion as to the conduct of the Government. In accordance with this practice, the Under Secretary for the Colonies declined, a Session or two ago, to lay on the Table a Treaty with Holland before it had been ratified. Then, however, it was too late either to reject a Treaty or to obtain any modification of its terms. He maintained that this practice was inconsistent with one of the well-ascertained rights of the people of this country. One of the best known provisions of the Bill of Rights was that all taxation by Prerogative was illegal; and it followed that the practice which allowed the Government to enter into engagements which would have the effect of imposing an immense amount of taxation on people must be unconstitutional. They were told that the House did maintain its control over foreign Treaties, because the Ministers were responsible to it; but cases might occur in which it would be impossible for the House to interfere until after a Treaty was concluded and ratified. A Government which had a large majority in Parliament on a domestic question might not be in harmony with the opinion of the country on questions of foreign policy. They had also had cases where a Government did not actually possess a majority in the House; and it was, therefore, possible for a Government not having a majority, and not supported by the public, to enter into engagements during the Recess, of the gravest character. The safeguard of Ministerial responsibility was perfectly illusory. They were told that the effect of such a change as that which he proposed would be to take the conduct of foreign negotiations out of the hands of Her Majesty's Government. He denied that the change proposed would lessen Ministerial responsibility, and remit the management of Treaties to Parliament, for the position of a Government with regard to a Treaty would be analogous to that with regard to an important Bill, the defeat of which might involve resignation; and just as the House was anxious to pass even a tolerably framed measure without factious opposition, so it would hesitate to reject or modify a Treaty except on the strongest grounds, and with a great preponderance of public opinion. It could not be contended that the country should be bound to a Treaty guaranteeing territory or involving a large outlay, if it was not approved by public opinion, and the rejection of a Treaty by the House would show that it ought not to have been concluded. At present, the only thing that Members could do to prevent the conclusion of a prejudicial Treaty was to raise a debate in this House, and obtain a decision adverse to the Government; but if it was the practice to lay Treaties before Parliament then all motive for raising premature discussion on the subject would be at an end. They could best test the merits of the existing system by seeing whether, at certain periods of our history, it was not in the highest degree probable that the practice of making Treaties conditional, on the approval of Parliament, would not have proved beneficial. He would refer to one of two Treaties which had been concluded during the last 30 years. In 1852, a Treaty was concluded between this country and France, Prussia, Austria, and Denmark regulating the succession to the Duchies of Schleswig and Holstein. The King of Denmark was Sovereign of Denmark by one law of succession, and of the Duchies by another; and to prevent the separation of the Duchies from Denmark, the diplomatists concluded a Treaty by which they should remain attached to the Crown of Denmark. This was a high-handed, tyrannical, and unjust proceeding; and, when the Treaty was concluded, probably not one man in the country knew anything of the merits of the case. Twelve years subsequently a question arose under that Treaty, and the Government of the day were in favour of going to war to enforce it. Fortunately, however, the Government of France were disinclined to assist us in carrying on a war which, had it been begun, would have been one of the most expensive and sanguinary in which this country ever took part. But, had it been waged, not one man in ten thousand would have known anything whatever of the merits of the dispute. Then, again, a Treaty was entered into between this country and the United States in reference to the boundary between their territory and ours, and it was agreed that, pursuing the 49th parallel of latitude, the boundary should be a line dividing the channel between Vancouver's Island and the main land. The House was familiar with the difficulty which had arisen as to the interpretation of that Treaty, and nothing could have been more unskilful and bungling than the manner in which the negotiations in reference to it had been conducted by the Government. The negotiators, ignorant as it would seem of the geography of the locality, did not know that there were, not one channel, but three channels, and a question arose between the two countries, the Americans claiming that the line should be drawn through the channel, which would give them the Island of San Juan. So ambiguous were the terms of the Treaty found to be that to ascertain its meaning and effect it was necessary to have recourse to the Arbitration of the Emperor of Germany. It was only necessary to refer to one further Treaty—namely, that under which the Geneva Arbitration had been conducted. It was impossible to imagine anything displaying greater want of care and attention which ought to characterize the proceedings of negotiators of International Treaties, than the Treaty in question evidenced. Not only was its wording obscure, but by it we gave up important rights as to the fisheries and navigation which the Canadians had theretofore exercised, and in return we undertook to guarantee £2,500,000 sterling for the construction of a great line of railway through the Dominion. Not only that, but we agreed to have our conduct judged and our liability decided in accordance with Rules then agreed upon, which were to have a retrospective operation, which we undertook to recommend to foreign nations for their adoption; but our interpretation of which was completely at variance with that put upon them by the majority of the Arbitrators. Surely, had it been referred to a Committee of that House to frame a Treaty, it could not have been drawn in so unskilful a manner as it was by the professional diplomatists who were engaged to negotiate it. But it might be said, that it was open to the House to discuss a Treaty after it had been entered into. No doubt it was; but they all knew that when a Treaty was once concluded, it would be hopeless to attempt to have anything like a full discussion of its provisions. The only reason that he ever heard given for dealing in this exceptional manner with Commercial Treaties was that they related to questions of taxation, and that, therefore, it would be contrary to the Constitution of this country if they were dealt with by the Prerogative of the Crown. The Commercial Treaty of 1860 had not the effect of imposing any taxes on the people of this country; but it had the indirect effect of putting on extra taxes, so that it was perfectly right that the Treaty should be made conditionally with the sanction of Parliament. But if they said it was not constitutional to make a Treaty except conditionally on the approval of Parliament, as a Commercial Treaty, how could it be positively said that it was constitutional without the sanction of Parliament, when the country was led into an outlay of £100,000,000? In one case, the Commercial Treaty dealt with the taxation of this country; in the other case, the Treaty dealt in a manner which might not come into operation for many years, and which might possibly never come at all into operation with the taxation of the country. But he held that if it were unconstitutional to deal directly with the taxation of the country, it must be also unconstitutional to enter into Treaty engagements which might, at a remote and uncertain period, have the effect of introducing an infinitely greater amount of popular burdens. Having endeavoured to show, in the first place, that to bind this country by Treaties, over which Parliament had no control, was unconstitutional; having endeavoured to show that if the House adopted the practice he recommended, at all events, they could not be worse off than they were at present, and that, in some respects, they would be infinitely the gainers, he would conclude by moving the Resolution which stood in his name.

Motion made, and Question proposed,

"That, in the opinion of this House, all Treaties with Foreign Powers ought to be made conditionally on the approval of Parliament, as was done in the case of the Commercial Treaty with France in 1860."—(*Mr. Aytoun.*)

VISCOUNT ENFIELD said, he should have hoped, after the exhaustive reply given the other day by his right hon. Friend at the head of the Government to the Motion of the hon. Member for Warrington (Mr. Rylands), that the present Motion would not have been pressed—especially as the feeling expressed on both sides of the House on that occasion was decidedly adverse to so great an innovation on the Constitution. The hon. Member for the Kirkcaldy Burghs (Mr. Aytoun) had passed over very lightly a main and fundamental objection to his proposal, and that was that his Motion would, if carried, not only make this great innovation on the Constitution, but affect most seriously the right, power, and privileges of the Crown, which, in matters of Treaties, had, at all events during the last 100 years, been always exercised in a constitutional spirit towards Parliament and the country. He thought the allusion made by the hon. Member to the Commercial Treaty of 1860 was scarcely a good one, because it was admitted that when Treaties made any fiscal alterations, or imposed any fresh taxation, it was necessary that they should be submitted to Parliament. Article 14 in that Treaty said—

"The present Treaty shall be binding for the United Kingdom of Great Britain and Ireland so soon as the necessary sanction shall have been given by Parliament, with the reserve made in Article 6 respecting wines."

And Article 20—

"The present Treaty shall not be valid unless Her Majesty shall be authorized by the assent of Parliament to execute the engagements contracted by her in the Articles of the present Treaty."

The fact was, there were various duties which in the interest of France the Sovereign undertook to recommend to Parliament to repeal, and a Bill was therefore necessary to secure to France these advantages by the formal and express assent of the Legislature. Again, the Reciprocity Treaty of 1854 reserved in the same way the assent of the Parliament of Great Britain and that of the British North American colonies. The Motion of the hon. Member required all Treaties to be conditional on the approval of Parliament. What would be the result? Under the plan proposed by the hon. Member in the case of a Commercial Treaty every clause, every paragraph, every reduction, every addition of imports or duties would be discussed on the floor of the House, bandied backwards and forwards from the Assembly in one country to the Assembly of the other, and would probably only pass, if at all, after a long and vexatious delay. He would say nothing about our other House of Parliament; but the House of Lords would have an equal right to discuss, amend, or reject these Treaties. Evils still greater would arise in discussing the terms of Treaties of peace with all the publicity demanded by the hon. Member while war was going on; it might prolong the war, at additional cost of lives and money, till Parliament could be called together to decide upon the terms of peace. As a proof of that, he might allude to the fact that many Treaties of peace had been concluded abroad. For instance, the Treaty of peace with China of August 29, 1842, was signed at Nankin; the Treaty of peace with China, of October 24, 1860, was signed at Pekin. If these Treaties had been submitted to Parliament before they were ratified, he apprehended that the war would have been prolonged. Again, many Treaties were made with articles in them contingent on the assent of Parliament being given. The following Treaties between Great Britain and foreign Powers since 1815 contained articles the execution of which was made contingent upon their confirmation by the British Parliament:—On May 19, 1815, a Treaty with Russia relating to payment of dividend of Russian-Dutch Loan; November 17, 1823, a Convention with Austria about Loan; November 16, 1831, a Convention with Russia about Russian-Dutch Loan—continuance of payment; May 7, 1832, a Convention with France and Russia relating to Greek Loan; August 2, 1839, a Convention with France dealing with Channel Fisheries; May 28, 1852, a Convention with France about Extradition; January 25, 1855, a Convention with Sardinia about Loan Guarantee; June 27, 1855, a Convention with France and Turkey relative to guarantee of Loan raised by the Sultan; June 3, 1856, a Convention with Sardinia relating to Loan; January 14, 1857, a Convention with France about Newfoundland Fisheries; March 5, 1864, a Convention with Prussia relating to the subject of Extradition; March 29, 1864, a Treaty with France, Russia, and Greece relating to Greek Loan and Pension to the King of the Hellenes; and April 30, 1868, a Convention with Austria, Italy, Turkey, Prussia, and France, to guarantee Loan to complete works on the Danube. There was no special Article in the Treaty of March 29, 1864, stating that the sanction of Parliament would be required for its execution, but an Act was passed for that purpose; and in the cases of the Convention of May 28, 1852, the Convention with France in January, 1857, and the Convention with Russia in 1864, Parliament exercised its powers and rejected the provisions which were submitted to it. But other engagements less important than Treaties or Conventions had been constantly entered into by the British Government, and these engagements did not require the ratification of either the Sovereign or of Parliament. Such agreements related, for instance, to postal arrangements, agreements for the settlement of claims of British subjects against foreign States, independence of certain places, such as the Sandwich Islands and other Islands in the Pacific, loans, national treatment of vessels, sugar refining, trade marks, emigration, joint-stock companies, boundary maps, and duties on patterns and samples. Sometimes an exchange of Notes occurred between the representatives of two Powers, as when Notes were exchanged between Great Britain and Portugal relating to the Treaty of Commerce and Navigation of July 3, 1842. There were also cases in which Treaties were the final results of conferences and negotiations extending over very many years. Foreign Powers would not have gone into these Treaties, in all probability, if they knew that the consent of Parliament would be required to their agreements. Of this kind were—the territorial arrangements of Europe, the succession to foreign Thrones, the questions of Sound dues, Stadt tolls, and others. Parliament could address the Sovereign with respect to treaties and negotiations. This was done in February 20, 1700, when an Address was moved to the King, asking that His Majesty would be pleased—

> "To enter into such negotiation in concert with the States-General of the United Provinces and other potentates as might most effectually conduce to the mutual safety of the British Dominions and the States-General, and the preservation of the peace of Europe, and giving his Majesty assurances of support and assistance in performance of the Treaty made with the States-General on March 3, 1677."

On November 21, 1739, an Address was moved by the Commons to George II., beseeching His Majesty—

> "Never to admit of any Treaty of Peace with the Crown of Spain, unless the acknowledgement of the British natural and indubitable right to navigate in the American seas to and from any part of His Majesty's dominions, without being seized, searched, visited, or stopped, under any pretence whatsoever, should have been first obtained as a preliminary thereto."

In December, 1743, an Address was moved, asking the King not to engage the nation any further on the Continent in favour of the Queen of Hungary. In 1752, another Address was presented, asking His Majesty not to engage into any more Treaties of Subsidy. Parliament refused its sanction to a Treaty, after ratification, in 1864 — namely, a Convention with Prussia for the surrender of fugitive criminals. Apart from the precedents on this subject, there were grave constitutional objections to the Motion. Kent, in his *Commentary on International Law*, said—

> "In England, as the sole prerogative of making war or peace is vested in the Crown, so also is it the Crown's prerogative to make treaties, leagues, and alliances with Foreign States and Princes; and though this power has in theory no limits, yet practically it is controlled by the authority of Parliament, and the contingency of its abuse is checked by means of Parliamentary impeachment for the punishment of such Ministers as from criminal motives advise or conclude any treaty derogatory to the honour and interest of the nation."

Blackstone added—

> "It is by the law of nations essential to the goodness of a league that it be made by the sovereign power, and then it is binding upon the whole community; and in England the sovereign power *quoad hoc* is vested in the King."

De Lolme also alluded to the King as being the representative and the depository of all the power and collective majesty of the nation with regard to foreign nations. He must ask the House to reject this Motion on three grounds—first, because it made a great constitutional change which was not required by the spirit of the time; secondly, because, he believed, it would practically fetter the Ministry in the conduct of negotiations which were often of a comprehensive and delicate character; and, thirdly, because, anxious as the Government often were to conclude Treaties with foreign Governments, in which very important considerations of a mercantile character and affecting commercial interests were concerned, yet if the assent and—if he might use the word—the dissection of Parliament were required to everyone of these Treaties before they were finally ratified by the Sovereign, instead of affecting the good which the hon. Member desired, it would in many cases lead to entangling embarrassments and international distrust.

Mr. MONTAGU CHAMBERS said, that we lived in strange times, and for his own part he would wish that hon. Members who desired to make these experiments would first be kind enough to read the *History of England*, in order that they might learn what the English Constitution really was. He had listened, on more than one occasion, with utter astonishment to the ideas put forth on this subject. In his professional studies and in his historical readings he had been taught that the Constitution was composed of Queen, Lords, and Commons, and that certain duties and Prerogatives belonged to the Crown of these Realms, and that one of these Prerogatives was the power of making peace or war, which also involved the Prerogative of making Treaties. They knew that the Sovereign could do no wrong, and if the Ministry of the day gave the Sovereign corrupt advice they might be impeached; or if they acted indiscreetly, might be obliged to resign their offices by a vote of the House of Commons. He was determined to lay down and abide by constitutional principles, because he had seen that the usurpation of the rights of the Executive by deliberative Assemblies had been leading other States to destruction. He would assure the House that he was utterly surprised at the indifference with which constitutional principles were passed over in modern times—"just as if"—to use an expression of the last century—"they had been Turnpike Bills." Would the House call upon a Ministry to lay before it the successive steps of a negotiation? Would any commercial man, in making a bargain with another, like to submit the consideration of the question to be agitated and controverted in a public assembly? The true motto in such matters was—"Strike the iron while it is hot"—and that was a very good adage in peace and war, and also in making Treaties. The responsible parties were the Government of the day, and nothing was less desirable than to shift the responsibility of making treaties from the Ministry to the House of Commons. He was sorry the Under Secretary for Foreign Affairs had been obliged to resort to precedents, which were dangerous things, as they were not always understood. As to the principles on which those precedents were founded he might remark that since the period of the Revolution a distinction had always been drawn between the power of the House of Commons, the Prerogative of the Crown, and the responsibility of Ministers. In those instances where Ministers had thought it their duty to lay a proposed Commercial Treaty before the House of Commons it would generally be found that in reality they wanted the advice of the House, and required the aid of the Legislature, with regard to that particular Treaty. This was essential where customs duties were to be repealed, changed, or regulated, and in the case of Extradition Treaties, Ministers were powerless to alter the common law of England, and, consequently, such Treaties were always sanctioned and confirmed by Act of Parliament, and could not be properly quoted as precedents. In conclusion, he protested against all endeavours to give to the House of Commons an authority which they had no right to usurp, and impose a duty which they could not satisfactorily discharge.

Question put, and *negatived.*

COMMERCIAL MARINE.

MOTION FOR AN ADDRESS.

Mr. PLIMSOLL, in rising to move—

> "That an humble Address be presented to Her Majesty, praying that She will be pleased to issue a Royal Commission to inquire into the condition of, and certain practices connected with, the Commercial Marine of the United Kingdom,"

said: *Sir, if I were as competent to speak as I am to work for and to sympathize with the maritime population of this country, I should make a speech which would not be unworthy even of this House; unfortunately, however, I am not, and am even less able to speak in this presence than to assemblies in other places. I trust therefore, Sir, that the House will accord to me its indulgence whilst I endeavour to lay before it a few facts, out of many, upon which I shall found a Motion for an Address to the Crown, even though my statement of facts and arguments should not be as clear as other statements to which it is accustomed to listen. I will do my best to avoid, on the one hand, leaving my statements unsupported, and, on the other hand, overlaying my subject with a redundancy of proof. Before I proceed, one observation further. I wish to guard myself against being understood, in any strictures or remarks which I may use, as applying them to the whole of the shipowners of this kingdom—nothing can be further from my intention than that. I simply wish to describe practices which prevail amongst a part, and, as I believe, but a small part, of those shipowners.

Sir, considering the amount of general knowledge which prevails now on this important subject, I shall not consider it necessary to arrange my subject into as many divisions as a full treatment of it would require, and then support each by appropriate proof; I shall rest my case upon a general statement of the law as it affects this matter—supported by quotations from letters. My statement is that the law will not prevent me nor anyone else from building a ship of any dimensions which fancy or caprice may dictate. That the law will not prevent me from using timber altogether insufficient in scantling and unsuitable in quality in building that ship. That the law will not prevent me from building an iron ship in any way I please, and of so-called steel plates of such a quality that a strong man with a heavy hammer could knock a hole in them—plates, in point of fact, little better than cast metal. That the law will not prevent me, having selected a design for a flush-deck iron steamer, and having had the ship so constructed, from building upon her, after she is launched, a poop 120 feet long, then adding a top-gallant forecastle 50 feet long, then uniting the two roofs and calling it a hurricane-deck, and then putting upon the latter donkey-engines, steam-cranes, and other gear, in such a way as to provoke the strongest representations that I had simply built one ship upon another, and that the whole must certainly founder the first time she encounters half a gale of wind and a beam sea. That the law will not prevent me, urged by competition, from cutting a vessel in two, adding 50 or 70 or any other number of feet to her length amidships, without any diagonal bracing, any doubling of plates, any additional bulkheads, or any of those appliances which a competent naval architect would think necessary. That the law will not prevent me from keeping my ships at sea in a state of unrepair, fraught with the highest peril to those on board—keeping her at sea until she is 70, 80, 90, 100, or even more years old—from keeping her at sea in fact, when she is so utterly rotten that if she takes the ground or touches a rock she must inevitably go to pieces with quick and sudden destruction. That the law will not interfere to prevent my loading a ship, no matter of what class or kind, with an amount of cargo that shall sink her deck within a couple of feet of the water, and sending her to sea in a condition which not merely excites the forebodings of all on board, but gives rise to many condemnatory remarks on the part of those who see her set forth. That the law will not interfere to prevent me, having built steamers for what is called canal and general cargo traffic, from sending them across the Atlantic and loading them with grain in bulk, a most dangerous cargo, and requiring ships of extraordinary tightness and strength to carry in safety; because, should there be the slightest leakage, the grain absorbs the moisture and swells, and the bursting force thus accumulated beneath the superincumbent weight of the cargo may be easily judged of when we consider the familiar illustration that is afforded in the fact, that, if you lay a flag-stone upon a stool of crocuses or snowdrops in the spring, the vital forces which the spring sets in operation will lift the stone so as to enable them to get forth. That the law will not prevent me from so overtasking the engine-power of my vessel as to load from 17 to 19 tons cargo per horse-power, a fair load per horse-power not being more than from 12 to 13 tons, and so overtasking the human power on board as to sail a steam-vessel of over 2,000 tons from a foreign port for England with only eight deck-hands on board, three only of whom were able seamen and competent to understand the orders which were given to them. And, lastly, that the law provides for the measurement of ships in such a way as distinctly to encourage the building of ships of an unsafe character, inasmuch as, if you cover your ship from end to end with a hurricane-deck, which will enable the vessel to throw off the seas, you make her liable to considerably increased charges—as tonnages, dues, &c.; which additional charges you altogether escape if you build merely a long poop and a forecastle, thus leaving the engine-hatches and apertures leading to the fire-hole open like a funnel to receive every sea which washes on board. If then, Sir, all this is true, and the law does not interfere to prevent practices like these, the state of things which might be anticipated, even without experience of their effects, would be ample reason why an inquiry should be instituted, with a view to the establishment of a better system. But, Sir, we are not left to *à priori* reasoning on this subject. We have a great mass of evidence of the saddest and most melancholy character to show that the results which might have been anticipated have followed. The statements which occur with such distressing frequency in the Board of Trade Returns, and the statements which have been so repeatedly made in the Magazine of the Lifeboat Institution, and those which are repeated on every hand by papers published in our seaports towns, constitute what I may call general proof in support of my statement. I should however, I think, make a mistake if I did not submit to the House one or two special instances which have come to my knowledge even within the past few days. This letter reached me February 27th—

> "I was brought up at a seaport town, and was 12 years in a ship-building and repairing yard; six years of the time I acted as outside superintendent, so that I had abundant opportunity of noticing the sort of 'coffins' in which sailors are often sent to sea. ——— being a depot for the North, there are two important trades carried on—namely, coal and wood. The coal trade, at least until three years ago—when I left—was principally carried on by small merchants. They

employed schooners, brigantines, and brigs to carry coal from the Scotch and English ports; very few of these vessels were classed, and the majority were equipped in the most miserable way. One merchant whom I could name lost two or three vessels every year, and, generally, all hands with the vessels. He has often been known to send his vessels to sea without proper ground-gear, in order that the captains would have to beat a passage, and not take an intermediate port. I have seen dozens of such vessels that could not be properly caulked, the planks being so rotten that pieces of wood had to be driven in the seams, and if a piece of plank was taken out, no timbers or frames could be found to fasten it to, a plate of iron having to be laid on the ceiling or inside skin for this purpose; then, again, the running gear as a rule was perfectly rotten—rotten masts, spars and sails, and miserable cabins and forecastles: these vessels would make a passage across Channel in the middle of winter, with, perhaps, 18 inches of side above water. The timber-ships are employed running to North America, many of these vessels have no character or class, and their hulls are just as bad as the coal schooners. The timber-ships have generally to bring home heavy deck loads, and you are well aware of the number of such vessels that are lost annually. ——— being a very handy place for wind-bound and distressed vessels, I had many chances of seeing vessels which had put into the port leaky, carrying all sorts of cargoes, salt, pig-iron, rails, &c. These cargoes are very severe on old ships; often the crews have mutinied, or more properly speaking refused to proceed in the ships, having regard for their own safety, and very often they were imprisoned for doing so. I may add that I have no interest, at least, pecuniary, in this matter now, as I am in quite a different trade, but I know that you are right, although you may encounter a great deal of opposition. I am sure that my old master, who is still a shipbuilder and repairer would give you every information he could in a private way. I have written this letter on the impulse of the moment, so that I beg you will excuse any irregularities. If you wish to make a strong case you have only to visit the seaports and find out for yourself, as I am sure there is abundance of evidence."

Then the next letter I would submit to the House is as follows:—

"The British steamer ———, 305 tons gross, 193 tons net, 35 horse-power, launched August, 1872, owned by ———. Left ——— for ———, 27th December, 1872, with 360 tons pig-iron. Arrived at ——— with difficulty. Left Sunday, 2nd February last, with about 415 tons of wheat on board. Barely got out of the port, the weather being stormy, when she became disabled in the machinery, got down her anchors, and hung on to them till they parted in a few hours, and about 3 P.M., Sunday, went ashore, and was broken up. Of the crew, eleven in number, three only were saved. When the captain's body came ashore it had two wounds near the heart, which, being examined by a surgeon, led to the conclusion that he had committed suicide in his cabin before the completion of the wreck. Lloyd's agent at ———, writes, under date of February, 1873—'I was informed by ———, an Englishman, representative of Messrs. ———, the shippers of the cargo, that the master appeared to be vexed by a letter received on arriving to load, from the owners of the vessel ——— as to the length of time of the passage. He explained to ——— that the engines were entirely the cause of the delay. The vessel and engines being new, he said that the latter required an entire overhauling to be cleaned out, as the valves were probably choked, and that they had experienced a good deal of difficulty with them on starting from ———, but that the vessel was never sufficiently long in port to give a proper overhauling. Again, putting to sea on the Sunday when storm-signals were hoisted at the head of the harbour, knowing the engines to be defective, must have been considered a most imprudent act. But had he remained in port the vessel would have been neaped—detained by neap tides—for about ten days, to the prejudice of the owners and shippers, and for which he probably would have lost the command of the vessel. I think, therefore, that these reasons, with the fearful position of the moment, may possibly have instigated the act."

I will now read part of another letter—

"A few months ago a crew refused to go to sea, alleging the unseaworthiness of the ship as their reason — they were sentenced to three months imprisonment; another crew was obtained, and the ship left, and went as far as Milford, when the second crew refused to go any further; a survey was ordered, and the ship condemned. Of course, the first crew was then released, but, I presume, no compensation was given them for their unjust imprisonment, and I am told that they lost their clothes, which remained in the ship, when they went to prison. I presume this fact can be obtained from the records of the Board of Trade. I hesitate to burden you with these statements, as I fear you have similar cases *ad nauseam;* should it however be in my power in any way to help in putting a stop to the fearful state of things now existing, I shall only be too glad to do so."

Then the next letter is—

"My dear Sir,—You have made a move in the cause of humanity for which you deserve immortal credit. I have not seen your book, but I read a review of it in *The Times* with the deepest interest. Cases have occurred where delinquents have been executed for murder who deserved the gallows less than the monied barbarians who have sent overladen ships to sea. I send you enclosed an illustration of the justice of my statement. But to judge accurately of the disgraceful case you should read the evidence on the inquiry. It was proved that the decks were so laden with bales of cotton that the crew had to stand and walk on the top of them, so as to manage the ship, and Mr. ———, a shipowner, examined for the defence, swore that the higher the bales were piled the more it conduced to safety, as if the ship went down the crew and passengers would have a better chance of escaping."

The next letter, which I will read a portion of, describes a case which in magnitude is of frequent, and in character of every-day, occurrence—

"Scarcely a second day passes but the police court here encounters cases of 'refusing to proceed to sea.' Many occur through the vice of local crimps, but as many perhaps result from the resolve of seamen not to be hastened to a sure and certain death in rotten or overladen ships. Some three weeks since some men were charged with 'refusing to proceed;' a local shipbuilder and owner surveyed, no doubt for the purpose of conviction, and swore the ship was fit for sea. The men were all but sentenced, but justice happened to halt; a remand occurred; a qualified person surveyed immediately; swore the vessel was not fit for sea, and, lo! the men escaped the punishment which perjury or incompetence, perhaps both, would have inflicted upon them, and probably, in the then state of the weather, they escaped the inevitable doom so often forced upon seamen. The other fact is this—a local iron firm of brothers were engaged to remove and repair the shaft of a large steamer; it had been bent, and cracked, and was totally unfit for use. Being removed and examined, nothing could be done but cutting off the injured part, but the authorities of the ship would not hear of it; it was patched up, but the wound was dangerous as ever. These brothers remarked that it was a scandal to take a ship to sea with such a shaft—'they would not go to sea in her for all the world.' She was bound for America, and they remarked—'if she does get there she will never return.' She did get there, but never returned, and her history was obliterated in the dark and secret sea. No inquiry followed! no record of her fate, no sympathy! her crew, I believe, were erased from life as if they never lived; but the widow and the orphan's moans were heard in Heaven, where these Pharisees will some day be called to judgment! As to evidence, these gentlemen, the officers of Customs, pilots, and men who stow the coal and iron cargoes, could give invaluable and conclusive testimony, and should be called throughout the kingdom, while the gentlemen who related the incident of the broken shaft are prepared to swear to its truth."

That extract, Sir, will complete my statement of the case. It will be seen by the House, that, as now stated by me, I have limited myself to extracts from official documents and cases which have come to my knowledge within the last few days. I have done this advisedly for the purpose of avoiding the introduction of controversial matter.

I will now ask the House to consider with me for a moment the extent of the mischief which has resulted from the state of things which I have endeavoured to describe. I have endeavoured to get at the total loss of life recorded in the *Wreck Register* of the Board of Trade, but the totals are so distributed as to make this very difficult, and I am not even now sure that I have the whole; at any rate I am able to assure the House that the total annual loss for the following four years is not less than I now give the figures for:—In 1868, the lives lost were 2,488; in 1869, 2,821; in 1870, 3,411; and in 1871, 2,296. In all, 11,016, or 2,754 per annum on the average. I will next ask the House to consider with me for a moment the kind of men that are thus drowned in such appalling numbers; and I will, for this purpose, confine myself to entries which I find in the blue books issued by the Board of Trade—of opinions not uttered by Englishmen, but by the agents of foreign governments, who have been struck with admiration at the heroism and self-denial and humane feeling of our seamen at various times. The blue books of each year are crowded with instances of the same character as those of which I will read to the House a very few. In the blue book for the year 1868, at page 81, it will be found that 12 Englishmen, whose names are given, were rewarded by the French Government each with a silver medal for rescuing, at great risk, the crew of the French galleot *L'Anemone*, of Nantes. The same page records that a gold medal was given to an Englishman for rescuing, with much risk, the survivor of the ship *Courier*, of Dieppe. The very next entry is that of the master of the *Perthshire Lassie*, who was rewarded with a gold medal for rescuing, with much difficulty, the crew of a French ship. Further down we find that an Englishman was rewarded with a binocular glass for rescuing the crew of a French ship *L'Aimable Virginie*, and treating them with much kindness for 13 days. In the same page 14 Englishmen were each rewarded by the French Government with a silver medal for attempting, at the risk of their lives, to rescue the crew of the French ship *Trois Sœurs*. These instances might be quoted *ad infinitum*. In the *Wreck Register* of 1865 it is recorded that two Englishmen were rewarded by the Government of the Netherlands for their gallant and humane conduct in rescuing the crew of a steamer which was in danger. I should weary the House if I were merely to attempt to read a tithe of these cases; to read them in the blue books is deeply interesting, and makes us very proud of our countrymen; but, although I will not trouble the House with any more special instances, I wish to guard against these being supposed to be at all singular, by stating that in the year 1861 30 instances are recorded where a British subject or subjects as the case might be were rewarded by foreign Governments for conspicuous gallantry in rescuing and saving imperilled life. Such instances occur in—1862, 39; 1863, 42; 1864, 21; 1865, 26; 1866, 26; 1867, 32; 1868, 58; 1869, 34. In many of these instances, of course, very considerable numbers of men were included in the rewards and commendations of foreign Governments, and we may fairly assume that the cases of courage and self-devotion exhibited are vastly more numerous than those which were brought to the notice of the authorities and followed by reward. Does not the reading of these testimonies to the gallantry and self-devotion of our fellow-countrymen, at sea, cause all our hearts to beat high with pride that the fame of England is thus upheld in the eyes of other nations? Brave, tender-hearted, courageous, we yet suffer them to be drowned by the dozen and score at once, or to suffer torments worse than death to add to the ill-gotten gains of a few bad men. Now, Sir, let us see who they are who mourn the loss of these men.

"Dear Sir,—I trust that the disappointment you have encountered in the outset of your gallant undertaking will in no wise deter you from what you propose doing. Only be bold enough and consistent, and you will find supporters everywhere. How little true patriotism there is —the base greed of gain swallows up every honourable thought and Christian principle. If I were a man I would uphold the cause publicly. Ah, it makes my heart burn to think that English lads by scores, like my own son, are sent out to perish in rotten tubs, while the 'honest' shipowner sits complacently in his Sunday pew and lays by his guineas with untroubled conscience. So onward I say, for the sake of England's name which is growing fast a by-word among nations.

"AN ENGLISH MOTHER."

Take another case—

"Dear Sir,—It is with feelings of deep, deep gratitude that I address you, and trust you will pardon my seeming intrusion. I am simply doing what a vast number of widows and fatherless would endorse. Thank you for taking the part of the sailors, to whom the nation at large owe so much and care for so little. Two years ago I lost my dear husband, he left me to join a splendid steamer called the ———, and there were on that same vessel men of tender, loving hearts, and upright minds—37 of the men went into eternity. God only knows how bitter it is to part from those dear as life itself, waiting to hear the old step again, waiting to see the happy manly face, and to hear the voice once more, but waiting in vain, for they have had the bright eyes closed in death, not by loving hands at home, but amid the angry billows, far from those who would gladly have saved them from such a cruel end.

"I have not read your book, but have heard about it; it would only intensify a sorrow bitter enough at times. I can only say I know the truth and justice of the cause you set forth, and hope it will meet with the sympathy it demands. One could more fully submit to the loss of friends when all has been done for them, when no fault of carelessness is left to haunt the soul after, but England has permitted men to go to sea in rotten vessels. What is the consequence? Every winter numbers of brave strong men find a watery grave, and all that is left for the poor widows and children is a little sympathy, unless it be in the case of a *Captain* or *Northfleet*, then it goes far enough to help as well as pity. How do we act on shore when danger or disease overtakes us? We take every precaution, use the means, then leave the rest to God. But people are in the habit of speaking as if all the loss of life at sea ought to be expected. We know that God holds the waters in the hollow of his hands. He raiseth the stormy wind, but are we to charge Him with what man does? I do not, and how much pain it would save the childless mother, the widow and fatherless, did they but know that all care had been taken of the loved and lost. Your work cannot recall those who are gone, cannot bring back my husband and home, but there are others now on the deep who will thank you for spared lives, and many a tender woman will unite with me in thanking you. May God grant that the interest now awakened may not subside as it has before; for two years I have prayed that someone would come forth, and I have faith to believe that not only something may be done, but all that will ensure the safety of those who leave home and loved ones to ply the great deep. If they are taken then we as a nation could say the Lord hath taken. Pardon my writing, God knows what I feel, may He bless and help you in your work is the prayer of yours respectfully"

Sir, I ask this House to put a stop to this wanton and wicked waste of precious human life, and I gather that that is their will.

I will now proceed to consider the steps necessary to give effect to that will. We must first—and I trust that will be some time before we sleep—appoint a Commission which shall make a thorough and searching inquiry into the whole subject, including undermanning, bad stowage, deck loading, deficient engine power, over insurance, defective construction, improper lengthening, overloading, want of repair, necessity for certificated masters between Brest and the Elbe, rate of speed lawful in fogs, rule of road, and code of signals. I trust Her Majesty's Government will see that the Commission consists of the very best men that can be found for the purpose, and that it is sufficiently numerous, after prosecuting the inquiry, so far as it can be prosecuted with advantage in London, to divide itself into two sections, one of which might take the East Coast and Scotland, and the other the West Coast and Ireland, so as to lose as little time as possible in completing their investigations. In the meantime I trust this House will pass a Bill dealing with the most obvious and easily-remediable sources of disaster, which Bill can give place to the more perfect and thoroughly-considered measure which we may anticipate as the result of their Report. We may also in the meantime avail ourselves of the ample information possessed by the Board of Trade to compile a series of Tables or Returns which shall greatly aid the Commission when they come to frame the recommendations which they will lay before the House. I find that the Board of Trade has the most ample records, and the fullest details on this subject—details sufficiently extensive and exhaustive, with the aid of such particulars as we may easily obtain from the Register of British and Foreign Ships to compile the Returns, which I will now suggest to the House should be ordered forthwith. The Returns I suggest are—1st. Debiting all wrecks to the various ports. 2nd. Debiting them to the various kinds of cargo. 3rd. Showing lengths; other dimensions. 4th. Showing proportion of man power to ship's tonnage. 5th. Man power to the weight of cargo. 6th. Showing the proportion of engine power to ship's tonnage. The 7th should show the proportion of engine power to the weight of cargo. For the 8th. Use water draught line for deep loading. And 9th. An alphabetical list of owners, showing the losses of each individual shipowner. And then, 10th. Arranged so as to show first those who have lost none for the 10 years—a large proportion of the whole. Then those who have lost fewest, and so on. And at the end of this list the country will see what they will see. The records of the Board of Trade are amply sufficient to furnish the whole of this information—they are like the still waters of Bethesda's pool, full of latent capability of blessing, and like them only waiting to be troubled by the spirit of inquiry to give forth healing and life. And, Sir, I am satisfied that when the Commission, which I trust this House will appoint this evening, has completed its work and reported thereon, and this House has adopted such measures, in consequence, as the exigencies of the case may require, so great a change will ensue, that, whereas our fellow-subjects at sea have hitherto pursued their most beneficent calling in constant and imminent peril of their lives, they shall in the future pursue that calling with as much as, or even greater safety, than that in which we travel by railway ashore; and as to the homes of those who are dependent upon them, of those they love, so great will be the change, that, whereas in the past their homes have been like those of the Egyptians on that dread night when the angel of death went from house to house throughout all the land taking his toll of dead, they shall in the future be like the homes of the Israelites on that same night, which, when the angel of death sought to enter, he could not, because they bore upon them the symbol of His loving and protecting care. The hon. Gentleman concluded by moving the Address.

SIR JOHN PAKINGTON had great satisfaction in seconding the Motion, having himself in the year 1870 moved for the appointment of a Royal Commission to inquire into the loss of life and property at sea. He was led to take a great interest in this subject from the terrible loss of the large steamer called the *City of Boston*, which crossed the Atlantic between America and England, which went to sea and was never heard of again. Having put a question to the Government on the subject, he received letters from all parts of England entreating him not to let the matter drop, but to endeavour to institute an inquiry into the practices which led to disasters of such a terrible character, and the loss of such an immense amount of life and property. In the year 1870, when he brought forward his Motion for a Commission, he did so under this great disadvantage—that, owing to the illness of the right hon. Member for Birmingham (Mr. Bright), there was no President of the Board of Trade in the House, and therefore the attention of the Government could not be fully given to the subject. The answer he received from the Government was that that huge Bill—which the House must recollect, and which had 700 clauses, and was, he believed, still lying unadopted by the House—dealt with the subject. He admitted that the right hon. Gentleman opposite (Mr. C. Fortescue) acted in the fairest spirit with reference to the clauses bearing upon the loss of life and property at sea. But the utility of those clauses, in his (Sir John Pakington's) opinion, amounted to nothing, and were insufficient for the great object the House had in view. His object on the present occasion was two-fold. He wished to entreat the Government to concede this inquiry, and to concede anything which would render it most effective. Our national character was involved in this inquiry. He would make no personal charges, for the question was far above any personal charges—he wished to raise one of the most important questions that could excite the interest of the country and the House. The stoppage of the evils which existed was far more important than the question whether A, B, or C had transgressed the rules of propriety. But he had a second object in view, and that was to tender his thanks to the hon. Member for Derby (Mr. Plimsoll) for bringing forward this question. The hon. Gentleman had taken up the question in a manner which he (Sir John Pakington) thought must excite the gratitude of every reflecting and right-minded man in the country; he had published a book which they all admired, and which had excited not only the interest, but the sympathy of a large portion of the public of this country. He wished to place before the House some additional reasons for the appointment of the Commission now asked for. He believed that few hon. Members of that House and the public in general had very little idea of the immense extent of the loss of life and property at sea. In the year 1871, according to *Lloyd's Lists*, which he believed was the highest authority that could be referred to on the subject, more than 13,000 wrecks and casualties occurred, and the lives lost in the course of that year amounted to 2,040. In the year 1872, the autumn of which, as they must all remember, was very severe, the loss was above the average of former years. Of sailing ships the number absolutely lost was 2,682, of which 1,310 were British ships. He would now call attention to the distinction between wrecks and casualties, and those ships that were either abandoned or foundered at sea, or were what was called "missing." The number of ships that foundered in 1872 was 637, and the number missing was 135 — the meaning of "missing" being ships that went to sea, of which nothing was ever heard afterwards, and the fair inference was that they had gone down to the bottom of the sea with every soul on board. The number of steamers lost during that period was 244 of over 100 tons, of which 142 were British ships. From the 1st January in the present year up to this time no less than 50 vessels were missing, many of them being fine iron steamers, and in all probability they had gone to the bottom. Under these circumstances, he considered it the duty of the House to inquire into the probable causes of the terrible loss of life and property. He believed that the great and prominent cause was overloading. On a former occasion he mentioned a number of casualties that had occurred from overloading. He would now mention a single case—which was a very remarkable one—and in doing so he would refrain from mentioning names. A ship of 550 tons sailed in December from England for New Orleans laden with 786 tons of iron, which was among the substances known to shipowners as "dead weight"—dead weight consisting of iron, coal, and corn. It was the rule of the Council of India that no vessel laden with dead weight should be allowed to carry more than three-quarters of a ton of cargo to each ton of her register, and the rule of the Admiralty with regard to transports was still more stringent, for no vessel was allowed to carry more than half a ton of dead weight to each ton of her register. Now, iron, he understood, was the most dangerous of all dead-weight cargoes, yet here was a vessel of 550 tons register carrying 786 tons of iron. What happened? Just what might have been expected. The ship put into Falmouth in a leaky condition in December, and she sailed again on the 31st January last, but on the 4th February, four days afterwards, she went down. That was a specimen of the evils to which we were liable from the practice of overloading ships. He was happy to add, however, that some passing vessel picked up the crew, who were saved. Another source of these evils, and a more fruitful source than it was generally supposed to be, was the faulty and bad construction of our merchant ships in the first instance. Ships were badly built, so that they could not float. He would give an instance. On the 1st February an entirely new ship sailed on her first voyage from this country to Bombay with a cargo of coals, and on the 3rd of February, she went down. He had two other cases of the same kind, in one of which what ought to have been a very fine ship of 2,600 tons bound to the East Indies with passengers and cargo, got as far as Portsmouth, but there she was found to be so strained and injured by the voyage that she was obliged to put in, and her passengers were transferred to another vessel. These facts ought to be explained. They were thoroughly disgraceful to a portion of the Mercantile Marine of England, and it was the interest, as it ought to be the earnest desire, of the respectable portion, which constituted the great majority of those who were connected with the Mercantile Marine of England, to have an end put to such a shameful state of affairs. Another fruitful cause of these terrible calamities arose from the habit of overloading the timber ships which carried on the timber trade with America. The hon. Member for Derby (Mr. Plimsoll) had said truly that when a ship was loaded with timber she would not sink, but from the very nature of the cargo there was a temptation, which was too often yielded to, to load timber ships to an extent inconsistent with their proper navigation. Such vessels were often not only filled, but piled up with wood to such an extent, that if bad weather came on they could not be properly navigated. In seconding this Motion, he had thought it his duty to lay before the House some grounds which appeared to him to be convincing and conclusive as to the necessity for a searching inquiry. He saw from the Paper that an Amendment was to be moved by his hon. Friend the Member for Hull (Mr. Clay), and he presumed that the object of that hon. Gentleman was substantially the same as that of the hon. Member for Derby and himself. The hon. Gentleman did not object to the inquiry, but wished it to be conducted with all the sanctity and additional authority conferred by having the witnesses examined on oath. For his part he cared little in what shape the inquiry was granted—that point was rather one for the President of the Board of Trade. He felt convinced, however, that the Government would not again refuse this inquiry, for the feeling throughout the country which had been elicited by the remarkable book published by the hon. Member for Derby put it out of the question for this or any Government to refuse the investigation asked for. It was vital to our national credit, to our commerce, to our Mercantile Marine, and above all to the lives of the gallant men who manned these vessels, and who were now in many instances liable to be shut up in prison because a regard for their lives forbade their going to sea in unseaworthy ships, that the inquiry should be searching and complete, and so long as it was a thorough and *bonâ fide* inquiry he himself cared very little as to the mode in which it should be conducted.

Motion made and Question proposed

"That an humble Address be presented to Her Majesty, praying that She will be pleased to issue a Royal Commission to inquire into the condition of, and certain practices connected with, the Commercial Marine of the United Kingdom."—(*Mr. Plimsoll.*)

MR. CLAY trusted the House would place upon the course he intended to pursue the same indulgent construction as had been placed upon it by his right hon. Friend (Sir John Pakington). Every hon. Member in that House believed the inquiry to be necessary, and he had no desire to delay the appointment of the Commission asked for; he was anxious only that its powers should be larger, and its actions more effective than could be the case if an ordinary Royal Commission were appointed, as proposed by the hon. Member for Derby (Mr. Plimsoll). A Royal Commission could not take evidence on oath; a Commission appointed by Act of Parliament and so empowered could; and when the importance of the issues involved were considered, he was sure the House would agree with him that the evidence tendered should be taken on oath. The principal point involved was the welfare of the merchant seamen; but associated with it as a collateral issue, was the fair fame of an honourable profession hitherto held in deservedly high esteem. The whole profession must suffer under the vague suspicions now floating about, and among the members of that profession were some having seats in the House. He knew it might be said that the chief if not the sole object of this inquiry was remedial, and that it might be narrowed to that; but in that case a Royal Commission and the Commission he proposed would stand on a perfectly equal footing. But he could not believe it possible to conduct an inquiry of this kind without producing evidence which might seriously inculpate individuals, and if so, evidence ought not to be taken, except upon oath. Although careful to abstain from expressing any opinion on the merits of the question, as it affected individuals, he felt bound to say a few words on a personal matter. It was of no use blinking the question. Everybody knew that some hon. Members of this House lay under serious accusations against their personal reputation, and among them was his hon. Friend and Colleague (Mr. Norwood)—his hon. Friend, he wished to say, in a much broader sense than was usually attached to those words. It might have surprised many—it had surprised some—that his hon. Friend had remained entirely silent under these accusations; but the fact was his hon. Friend, first on his own impulse, and then by the advice of friends, determined on defending his character by applying for a criminal information in the Court of Queen's Bench, where, by one of those admirable contrivances by which the law prevents anything from being done in undue haste, he would be unable to be heard until April next. Under these circumstances, his hon. Friend had been urged in the strongest manner by high legal authority to keep his mouth closed here and elsewhere, for fear of putting in jeopardy the success of his application. The Court was very jealous of any interference, and if his hon. Friend had said anything in his own defence on the subject generally, he might be told—"You have invited other interference besides ours; don't come to us. You must find a remedy where you can." It was on that account his hon. Friend had kept and would continue to keep silence in the House, and he trusted that no one would imagine his hon. Friend to be indifferent to a matter which all his Friends knew him to have greatly at heart. The hon. Member concluded by moving the Amendment of which he had given Notice.

Mr. SAMUDA, in seconding the Amendment, wished it to be distinctly understood that his object was to obtain the fullest investigation that could possibly be obtained; and if the forms of the House, or difficulties attending the Commission, should be such that the Government, in taking the matter into their own hand, as he hoped they would, found that one mode of investigation was better than another, and equally capable of bringing out the facts with the view of building up legislation thereon, he, for one, was disposed to leave the details in the hands of the Government. With reference to the object of the Motion of his hon. Friend the Member for Derby (Mr. Plimsoll), the time had arrived when it was no longer possible to leave matters in the state in which they were. There was one particular point connected with losses at sea to which the right hon. Baronet (Sir John Pakington) had not referred, and it was that whilst science in other Departments had succeeded in introducing improvements from year to year, and diminishing the number of casualties, the operations in the shipping trade had been attended with very different results. He would exemplify that with a few figures. It appeared from the records published by the Board of Trade that the losses for the consecutive periods of the five years ending in 1853, 1858, 1863, and 1868 were respectively 969 ships, 1,118 ships, 1,488 ships, and 1,744 ships—which showed that there was a continually increasing loss of ships. He had had an opportunity of taking the average up to 1871, and making a similar division for the averages for 15 years, ending at the respective periods of five years before 1871, it appeared that the losses were 1,045 ships, 1,320 ships, 1,611 ships, and 1,805 ships, from which the House would perceive, as he had remarked, that there was a continually augmenting loss of ships. But then it might be said that our trade was now considerably greater, and that the increase in the number of our vessels would account for the increased number of losses. He would, however, be able to show that the House could not rely on any such explanation; for in 1858 the number of ships of all sorts on the books belonging to the United Kingdom was within 100 of 27,000, while in 1868 they were only 29,000; so that while the increase in the number of ships during these 10 years was only 8 per cent, the increase in the number of losses was at the rate of 50 per cent. Now, the question arose why the increase in the number of ships was so small, and the answer was easy; we very nearly lost as many ships as we built, and the increased quantity of the work of the kingdom was done by ships built being of larger tonnage than those which were lost. The increase in the loss was something enormous. There was another fact which was very significant. It appeared that the most fatal of the voyages which were performed by vessels were those to the Baltic, and among other notes given in Lloyds' *List of Wrecks and Casualties* was one which showed that in 1870 no fewer than 21 steamers were lost during such voyages. But a more curious and important fact was that these 21 steamers had made only 2,100 voyages, and therefore the loss was 1 per 100 voyages; and taking the period each vessel required to perform its Baltic voyage at something like a month, the life of each of these steamers represented eight years, supposing it had been kept at constant work; in other words, we would be under the necessity of replacing our commercial fleet engaged in the Baltic trade every eight years. Such circumstances involved very serious questions relating to the morality and respectability of the nation, and though he was by no means sanguine of an easy remedy, yet he thought too much care could not be taken to discover the causes of this state of things. Again, in 1871, the 1,575 wrecks and casualties among vessels trading within the narrow seas represented 458,000 tons of shipping, or about £5,000,000 sterling a year. There were two or three more facts which he would mention merely with the view that the House should attach its due weight to the subject. He saw it stated in the official Report of the Board of Trade that the wrecks and casualties for the 10 years ending 1871 amounted to a grand total of 13,300, of which those resulting from stress of weather in a total loss numbered 7,300; those resulting in wreck from various other causes, or from causes unknown, numbered 2,500; while not less than 3,400 were set down as being lost from inattention, carelessness, neglect, and defective equipment; that, put in plain language, meant that nearly one-half of the losses arose from preventible causes. It was these preventible causes the Commission would have to deal with. One of the most important suggestions the Commission would have to consider, with a view to a remedy, would be the question of insurance, and he had long held a strong opinion that it would be found beneficial to compel every owner of a ship to become to a very large extent his own underwriter. That was no new proposal. He believed such an arrangement was in force in Scandinavia and in some others of the northern countries of Europe. Even in our own country it existed in a very modified form; for in the case of slight accidents—that is, accidents short of total loss—the rule was that an owner had to bear one-third, and he received from the underwriters two-thirds only of the amount of the loss. That was precisely the remedy which he would carry out. Of course, to give effect to such a proposal it should be rendered illegal to value the ships for insurance beyond their actual value—either by subjecting them to be valued by a public officer, or by fixing a maximum value per ton for vessels, according to their different ages and descriptions. This would produce, to a large extent, the state of things which existed in some well-found, well-managed, and highly commended fleets. He had already shown the losses occurring in Baltic vessels, which, for the sake of comparison, would reduce the life of those ships to a period of eight years. They would require them to pay, roughly, an insurance of 12 per cent, and the smallest amount paid at Lloyd's in annual insurance of a steamer was something like 6 per cent. But if they took one of the best-known and best-founded services—that of Cunard's—it would be found that they did not insure. They had been at work more than 20 years; and, to the best of his knowledge, they had never lost a ship. [An Hon. MEMBER: One ship.] Well, one ship. Their line of navigation was one of the most dangerous during a large portion of the year, for they had to encounter formidable icebergs, and some of the densest fogs, yet he understood that there was scarcely a retardation of speed whilst the ships were in that region, so carefully was everything conducted, and so good was the look-out kept. The public had the utmost confidence in them. Then take Messrs. Wigram's ships. Their vessels had been at work about the same time, they did not insure, but their vessels were so carefully managed and refitted, and stores of superior quality so extensively supplied, that during their whole career he believed they had only lost two ships. Then there was the line known as Green's line. Here operations were carried on upon a far larger scale, and they insured not at all, or but very little. The total number of ships which they had lost was four or five, that loss amounting to not 2 per cent per annum upon the insurance which they would have paid upon their ships. Then there was the Peninsular and Oriental Company; they were their own insurers, and they were continually paying very large bonuses to their shareholders out of the surplus profits of their own insurance fund. They assured him that their losses had not amounted to more than 2, or, at the most, 2¼ upon the amount of insurance. The result was, that whilst these most perfectly found fleets, were worked at not more than 2 per cent loss, Lloyd's were obliged to charge 6 per cent to insure; and yet very few of the underwriters accumulated any very large amount of money. [An hon. MEMBER: Take Thornton.] Mr. Richard Thornton was a man who speculated in everything, and probably it would be found that his insurance profits did go far to make up the £3,000,000 he left behind him; and besides, his insurances were of a gambling nature. He would insure vessels supposed to be lost at 60 or 80 per cent, and he was often very fortunate. Mr. Thornton's was a most exceptional case, and not one that in the smallest degree affected the comparison he had laid before the House. The competition with Lloyd's was very severe, and yet they could not charge less than 6 per cent for insurance, and the reason was that they insured all the ill-found and unseaworthy ships. No doubt, overloading was the cause of the largest proportion of losses paid by underwriters, and it was easy to understand why it should be so. Competition drove everything to the extremest limit, and, indeed, he believed that it deteriorated the character of all kinds of work. It also reduced freights to the lowest. A scrupulous owner put into his ship only that amount of cargo that he thought she could carry safely, whilst the unscrupulous owner, having got an amount of insurance that would recoup him, put in 100 tons more, the whole freight on which was absolute profit if the ship floated, and if not, why then he put the insurance money into his pocket. He would give an illustration. He recollected that about the end of the Crimean War a shipowner applied to two builders to give him an estimate for the building of a vessel of 600 tons, which one of them offered to build for £14,000, and the other for £12,000. The work was given to the lowest. The Crimean War finished suddenly, and as he could not get a charter from the Government as he had expected, he was compelled to put his ship at a very low freight on service to a foreign port. The ship had not long left the shore when she went upon some sand and soon tumbled all to pieces, and was heard of no more. The other shipbuilder said to the owner—"You had better have had my ship." "Oh, no," was the reply—"If I had it would never have gone to pieces; as it is, I have the insurance on the ship and the insurance on my freight, and I am better off than I should have been with yours." This incident suggested the very point he wished the House to consider. They should deal with the matter in such a way as to make, if possible, the interest of the owner such that he should make the safety of his ship his first consideration, and profit upon it or the cargo the second. He was prepared to leave the matter in the hands of the Government, and be satisfied with either Commission which they should think fit to issue.

Amendment proposed,

To leave out the words "an humble Address be presented to Her Majesty, praying that She will be pleased to issue a Royal Commission to inquire into," in order to insert the words "it is desirable that a Bill be forthwith introduced into this House by Her Majesty's Government for the purpose of constituting a Commission to inquire into upon oath and report upon,"—(*Mr. Clay,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. CHICHESTER FORTESCUE said, he thought it might be convenient that he should state, without further delay, the intention of the Government with respect to this Motion, and that intention was to accept in substance the proposal of the hon. Member for Derby, though they would not be able to accept the exact words, for reasons which he would give presently. In common with the Mover and Seconder of the Motion (Mr. Plimsoll and Sir John Pakington) he most earnestly desired that the measures now to be taken might —he would not say stop, but—largely diminish the disasters to life and property at sea that had been brought to their attention by the hon. Member for Derby. Being most anxious that the inquiry should lead to fruitful legislation, he was bound in the interests of truth, of the credit of the Mercantile Marine, and of the cause of rational legislation to comment upon some statements made by the hon. Member for Derby in his speech and also in his book. In his opinion some of them were exaggerated, and would lead to a false estimate both as to the amount of folly and criminality existing in the Mercantile Marine of this country, and also to an over-sanguine estimate of the extent of preventible loss and disaster, and of the amount of good which any legislation could possibly effect. The hon. Member for Derby began that remarkable book of his, which he (Mr. C. Fortescue) had read with the greatest care and interest, by saying that he was not capable of writing a book. He could assure him that he entirely differed from him. The hon. Member was very capable of writing a book, and he had, in fact, written a most interesting and remarkable book in the most simple, idiomatic, and racy English. With respect to the statistics of the book, however, he was not able to be so encomiastic, because many of those statistics were open to severe criticism and large reduction. Let not the House mistake his meaning; because, from the intention he had announced, it would be inferred that there was a large foundation of truth in the general statements of the book. The statements made in the official records, from which the most trustworthy parts of the case were derived, furnished a foundation of facts quite sufficient to justify and support further inquiry. Nevertheless, he thought the House would agree with him that things were not quite so bad in the Mercantile Marine as the hon. Member for Derby supposed; and that in the dreadful occurrences which all so much deplored, there was not so much due to causes which could be prevented by legislation as the hon. Member in his enthusiasm imagined. The most remarkable statement made was, that a large proportion of the wrecks at sea arose from causes which the hon. Member thought could be easily prevented — namely, overloading and unseaworthiness. In the beginning of the book, he estimated the proportion of the preventible losses at one-half, towards the end of the book he said two-thirds, and to-night he had got to four-fifths. The House must not run away with the supposition that anything like that proportion of the losses at sea was due to criminal conduct on the part of the Mercantile Marine of the country, or was preventible by any legislation. It was not always quite clear when the hon. Member spoke of losses at sea, whether he meant losses of lives or of ships. [Mr. PLIMSOLL: Lives, invariably.] But towards the end of the book he spoke of the possibility of legislation saving 1,000 lives by the end of 1873. He was informed on the best authority within his reach that the number of British seamen who lost their lives by drowning in 1871 was 1,500. He wished he could be sanguine enough to believe that any efforts of theirs could save 1,000 out of 1,500; but he feared it was too much to expect. The hon. Member said that the Returns of the Board of Trade attributed half the losses and wrecks on our coasts to colliers and coasting vessels, which contained, no doubt, a large proportion of unseaworthy members; and, considering that these losses were due to unseaworthiness, he estimated that all the vessels could be made seaworthy by Act of Parliament. The figures which the hon. Member took did not all represent total losses; but casualties of all kinds, from trifling accidents to total losses. Out of the total number of casualties, not above one-third could be said to be losses in the proper sense of the word; and therefore while the hon. Member, quoting a benevolent magazine, *The Life Boat*, put down the losses of ships in the last six years at 6,357, he had good reason for believing that the losses in that period did not much exceed 2,000. In the year 1871, off the coasts of the United Kingdom, there were 1,575 wrecks and casualties, excluding collisions, and of these

1,224 were casualties only, and the number of total losses was only 398, while the number of casualties attended with any loss of life was only 135. The wrecks and casualties of the last 10 years numbered, as stated by the right hon. Baronet (Sir John Pakington), 13,324. He (Mr. C. Fortescue), however, believed that he had much over calculated the number. So far as the Board of Trade was able to ascertain, 1,179 of these were due to unseaworthiness and unsoundness of gear, the remainder having been due to other causes. Therefore it was impossible to assume that unseaworthiness had been the cause of so large a proportion of wrecks and casualties. Those who knew what happened on our coasts would remember that when a sudden gale sprang up hundreds of colliers and coasters were driven ashore, and that, independently of their unseaworthiness and their loading. They were affected by it no doubt; but not to take these cases into consideration gave a totally exaggerated view of the problem with which they had to deal. Any hon. Member might recollect the gales which had occurred during the last few years, and had sent vessels by the score on the coast. Some few years ago that happened in Torbay, where, in two hours, 60 or 70 vessels were driven on shore. Something of the same kind happened in the neighbourhood of the Tyne, when 96 vessels went ashore, and 77 lives were lost. Now, such casualties as those it was almost impossible to prevent, and he pointed these things out to show that it was not fair to exaggerate the amount of criminality which was said to exist in our Mercantile Marine, and that they ought not hastily to adopt extravagant expectations as to what they could accomplish. The hon. Member for Derby had complained of the Returns of the Board of Trade. Now, those Returns as to wrecks were, he thought, most elaborate and careful. Certainly, great pains were taken to inform the public and bring all the facts home to the minds of those interested in shipping—a service not to be despised. But if the hon. Member was not satisfied with those Returns, and would move for others that he thought more useful, he could only say it would give him the greatest pleasure to consider his wishes and endeavour to meet them. The hon. Gentleman also complained in his book of the inquiries of the Board of Trade, which he said were much too limited and confined absolutely to the case of passenger ships. There the hon. Member was entirely mistaken; and the House ought to know what the Board of Trade did and had done for some years past. In every case where evidence could be procured in respect to the loss of a ship, an inquiry was held as promptly as possible into all the circumstances by the Receiver of Wrecks, assisted by the officers of the Coastguard, under most careful instructions from the Board of Trade. When the circumstances disclosed any reason for further formal inquiry, that formal public inquiry was instituted. During the year 1871 there were 132 public legal inquiries—he was not now speaking of the ordinary preliminary inquiries—into wrecks and casualties, and out of the whole 132 only 16 related to passenger ships. Then the hon. Member treated with great contempt some of their late legislation with a view to the safety of life at sea; and the right hon. Gentleman opposite (Sir John Pakington), referring to the provisions of the Bill which he had been able to carry the Session before last, and which contained all the clauses of the huge Merchant Shipping Act relating to the saving of life, spoke of them at first as effecting nothing, but afterwards said they were insufficient. Well, he did not himself pretend that they were sufficient; but he denied that they were worthless, and he should have been happy at the time, as he would be now, to have done more. The hon. Member for Derby complained over and over again in his book that a sailor could be sent to gaol whenever for any cause he refused to proceed on his voyage. That never literally was the case, because whenever there was a lawful cause the sailor could refuse to go to sea; but he had great difficulty in proving a lawful cause, such as the unseaworthiness of the ship, great discomfort, the want of proper provisions and the like. But what the Act that he carried had done was this—and it made all the difference in the world. It had given the sailor, on refusing to go to sea a right to demand a Government survey of the ship. [An hon. MEMBER: At whose expense?] If the sailor was right in his allegation, at the expense of the owner; if the sailor was wrong, he himself had the expense to pay, if he could. He knew the hon. Member for Derby held that to be ridiculous, and throughout his book he treated all those difficult matters—for difficult they were—as if they could be settled by a word. The expense, if his allegation was wrong, could only be deducted out of the sailor's wages. And here he could not help saying that the hon. Member for Derby did not assist him in carrying the Act of 1871, although he had some difficulty in carrying it, and it came out of Committee not quite so good as it went in. But the fact was, sailors were not always the most perfect characters; and as they obtained a month's advance of wages in many cases before they started from home, they were under a great temptation to make use of any pretence to escape from their engagement, and it was not always possible to believe the tale of a sailor when he came ashore with money in his pocket, and said he would not go on his voyage. Those facts had to be considered if they were to have practical and rational legislation. Cases, were now, however, multiplying every day at our seaports in which sailors *bonâ fide* refused to go on their voyages on account of the unseaworthiness of their ships, and in which the magistrates called on the Board of Trade to survey the ships; and the result was that the sailors were discharged and the ship left without a crew, when the owners were compelled either to give up the voyage or to repair the vessels. At all events, the sailors were saved, in these cases, from dangerous voyages and from the hardship—which certainly had often happened—of being committed to gaol for causes of a most innocent kind. The hon. Member said it was very wrong to allow the re-christening of ships, by which great frauds were committed, many bad ships passing under new names. Well, by the Act of the Session before last that very thing was forbidden, no ship being now permitted to change her name without the consent of the Board of Trade, which was never given without very careful inquiry, and which was constantly refused. A remarkable instance of that occurred within the last few days. He had seen in a Dublin newspaper a statement that there must be some waggish person at the Board of Trade who had insisted on a ship that rejoiced in the name of "The Devil" changing her name into that of "The Printer's Boy." He inquired into the facts, and found that a ship rejoicing in the name of "The Devil," which had gone about the world for some time, had applied to the Board of Trade—he did not know whether from some compunction on the part of the owner—to change her name to "The Printer's Boy;" but before that process could be effected a careful inquiry was held, and it was only on "The Devil" proving to be of unimpeachable character that it was allowed to become "The Printer's Boy." Another provision of the Act of 1871 to which the hon. Member paid no attention, but which he was assured was already producing good effects, was that under which the officers of the Board of Trade were required to take the depth of water of a ship leaving port. The great difficulty there, was that that Board did not possess officers enough for the purpose, and he found that if they were to carry out that provision of the Act of 1871, it would be necessary very considerably to increase their staff. He was told that to do it effectually they must employ 10 additional surveyors in the Tyne alone. With regard to deck-loading, especially in timber-laden ships, he had seen statements of the most startling kind as to the loss of life from that cause during the past season. The real figures were quite startling and melancholy enough. He found that, in 1872, 148 lives had been lost in timber-laden ships, 106 of them from deck-loading. Deck-loading was illegal until a few years ago, when the Act against it was deliberately repealed, having proved a dead letter. It could only be effectually prevented with vessels coming from Canada and the United States on the other side of the Atlantic, and he had asked Lord Granville and Lord Kimberley to come to an agreement with those Governments to take precautions against it, for restrictions at the port of loading would do more to prevent this serious evil than any action at the port of arrival. The hon. Member for Derby had spoken of the British sailor as the most neglected being in the United Kingdom; but the truth, on the contrary, was, that he had been the object of much care and thought on the part of Parliament. Going back to 1850, the examination of masters and mates for the Mercantile Marine was established, which, with the withdrawal of certificates for misconduct, had led to a great improvement. In 1851 the winding-up of the Merchant Seamen's Fund, formed by subscriptions, was undertaken, this having already cost the Government £1,000,000, and leaving a further expense to be incurred. Means were also provided for recovering the wages and effects of deceased seamen abroad, whereby £543,000 had been distributed among the families of 81,000 seamen, a task troublesome to the Board of Trade, but of the greatest advantage to the persons interested. The survey of passenger steamers was next introduced, and in 1854 his right hon. Friend (Mr. Cardwell) carried the Merchant Shipping Act, which, improving on previous legislation, elaborately provided for the food, medicines, accommodation, and wages of seamen. Inquiries into wrecks were also strengthened by the establishment of naval courts at every important port, and salvage, before confined to property, was extended to life. In 1855 the relief of seamen was undertaken, at a cost of £40,000 a-year, and a money-order system for sailors was established, while in 1856 sailors' savings banks were established, probably the model, and certainly the predecessor, of the Post Office savings banks. In 1859 the Naval Reserve was originated, which, though designed for a public object, had been very advantageous to seamen. In 1862 the examination system was extended to engineers, and the lights of ships and the rule of the road at sea were provided for. In 1867, at the instance of the Duke of Richmond, the supply of antiscorbutics was dealt with, which had been most successful in diminishing scurvy. In 1871 he carried an Act which, though treated with contempt by the hon. Member, had been beneficial. It required the name and draught of water to be legibly marked, prohibited change of name, entitled seamen charged with desertion to a public survey of the ship, and made the sending an unseaworthy ship to sea a misdemeanour. He admitted that, owing to the absence of a public prosecutor, no one had yet taken the trouble of prosecuting under the last provision, and regretted that the hon. Member himself had not done so. While all this had been done for the British sailor, he hoped further measures would prove practicable. He would not underrate the importance of the hon. Member's proposals for a general survey of ships and for a load-line for every ship, but they were beset with considerable difficulty, and a commission of competent men would have to inquire whether and how they could be effected. This, though not mentioned in the Motion, would be one of the main functions of the Commission. The insurance system would be another proper subject for inquiry, for though beneficial when properly conducted, there were abuses and dangers incident to it. The dark colours in which the hon. Gentleman had painted the system might be relieved by his mentioning that insurance, as he was informed, was falling more and more into the hands of powerful companies, very different from the feeble underwriters with trifling interests who no doubt existed—companies with capital, able to hold their own against fraud and criminality. Lloyd's Salvage Association, moreover, conferred great benefit on the underwriting and shipping community by its searching investigation into suspicious cases. Turning to the Motion, while agreeing to it in substance on the part of the Government, he thought its terms were too vague. It prayed Her Majesty to issue a Commission to inquire into the "condition of, and certain practices connected with, the Commercial Marine of the United Kingdom." He would suggest the alteration of the Motion, so that it should run in something like the following form:—"That a Royal Commission be issued to inquire into the condition of the Mercantile Marine, so far as regards the overloading of vessels; the unseaworthiness of vessels, whether owing to defective construction, condition, and equipment, or stowage, deck loading, undermanning; and the present system of marine insurance; and to report, if any, and what measures can be adopted to remedy the evils which may be found to exist." Without binding himself to the words of the Reference, that was the kind of inquiry which the Government would advise. Not being able to assent to the words of the Motion of the hon. Member for Derby, he hoped the hon. Member for Hull (Mr. Clay) would not press his Amendment to that Motion. He put it to his hon. Friend, whose intentions and motives he understood and honoured, whether it was on public grounds expedient that the Commission should be turned into the form which his Amendment would give it? It was not, in his opinion, desirable to have a semi-judicial, inquisitorial investigation into the conduct or misconduct of individuals. Indeed, the hon. Member for Derby, in his book, said he did not want an inquiry into the actions of individuals, his object being the amendment of a bad system, and in that object he heartily concurred. The hon. Member for Hull would, however, turn the inquiry into the extremely exceptional one of an Act of Parliament Commission, with powers to administer an oath, and that, he thought, would be to turn it into a wrong direction. There was no precedent for such a Commission, except where individual misconduct was directly at issue; as for instance, where bribery was charged, or in such cases as the rattening at Sheffield. But individual conduct was not here the subject of inquiry, the object in view being the searching out of general existing evils and the suggestion of remedies. The facts of the case were broad and patent as alleged — there was such a number of unseaworthy ships, such an amount of overloading; and these facts demanded inquiry, with a view to discover their extent, and the means of prevention. It would be unwise to divert the Commission from its real object. He earnestly hoped the inquiry would be fruitful of good. If it should tend to render ships more safe, and life at sea more secure, nowhere would greater happiness be felt at such a result than at the Board of Trade, and no one would more rejoice at it than he should himself.

SIR JOHN PAKINGTON explained that the 13,000 casualties to which he had referred occurred not during 10 years, but in the year 1871. They were recorded at Lloyd's and included foreign as well as English ships.

MR. G. BENTINCK said, he hoped the House would not be disposed to take the view of the right hon. Gentleman on that most important question; but that they would adopt the view of the hon. Member for Hull (Mr. Clay), that the Commission should have power to examine on oath. If the Commissioners had not power to administer an oath, the inquiry would prove to be a dead letter. He had been a Member of many public Committees, and about 20 years ago he was a Member of a Committee relative to an Inquiry affecting a question of Privilege. Upwards of 200 witnesses were examined, not upon oath, one half of whom said black and the other half said white; and yet most of them were considered to be gentlemen of the highest respectability. It would be useless to have a Royal Commission to take evidence on which the House would not be able to rely. And assuming that the character of individuals might be implicated in the forthcoming inquiry, it would be unfair to them that this question should be brought before any tribunal, unless under the responsibility of an oath. He cordially concurred in the object the hon. Member for Derby had in view, and in the opinion that had been expressed that he was entitled to the gratitude of the House and of the country for having brought forward this subject; but he warned the hon. Gentleman that he was likely to find obstacles placed in his way which it might be very difficult to surmount. In numerous cases as strong as that which the hon. Member had brought under the notice of the House, the most he (Mr. Bentinck) could ever arrive at was a bare recognition of the facts of the case, and an expression of regret at their existence. The hon. Member must therefore be extremely careful how he proceeded, and he advised him to have a voice in the composition of the Royal Commission; otherwise it would be so overloaded with the official and ex-official element, that the result would be that the mode of proceeding would be such that the facts the hon. Member wanted to bring to light would never be disclosed. He would further suggest to the hon. Gentleman that he should himself draw up the Order of Reference. If he did not, he might look forward to being met over and over again with the objection—"You cannot go into that; it is not within the Order of Reference;" and the whole inquiry would be a mockery. He quite agreed with the President of the Board of Trade that the sailor was a very fine fellow, and he, for one, wished him well; but the sailor had his faults as well as other people, and there should be stringent penalties for misconduct on his part as well as on the part of the shipowner. All parties should be fairly dealt with, and while he readily admitted that the sailor was often aggrieved, he was prepared also to assert that the shipowner frequently had cause of complaint. The right hon. Gentleman had stated that under the present law a ship's company, believing the vessel they had engaged to embark in was unseaworthy, were entitled to demand a Government survey. He next said that when the ship had been condemned by the Government surveyor the probable result would be either that she could not be manned, or that she must be repaired. But that was only a probability, and there it was that legislation was wanted. It ought not to be in the power of any man to send a ship out to sea in the condition in which she had been condemned by a Government Inspector. That the chief of a great Department should indicate that such a thing was possible showed how completely hopeless it was to deal with questions of this kind. Difficulty arose from the composition of the Board of Trade, in which there ought to be a naval department with a naval man at the head of it. [Mr. CHICHESTER FORTESCUE: We have one.] Yes; but there should be a man responsible for the conduct of the Board of Trade with respect to the Mercantile Marine. The right hon. Gentleman was responsible, but he was not a naval man, and he could not be expected to understand details which ought to come before him. A large proportion of the loss of life at sea was due to collisions, and many of them were due to causes under the control of the Government. No penalty visited the loss of life when a steamer ran down a vessel in a fog. The Mercantile Marine by-laws required a good look-out to be kept at night, but they allowed a custom to continue under which a look-out was of no use at all. Vessels steamed 10 or 11 knots at night in thick weather when a look-out was useless, and the whole thing was "happy-go-lucky." Unless there was to be legislation on this point the subject would be trifled with. If the Government were allowed to deal with this question in the way in which Governments usually dealt with them, we should not arrive at a satisfactory result.

MR. CRAWFORD said, he concurred in the opinion that the evidence given before the Commission should be on oath, but he did not entertain the suspicion of the last speaker—that the Board of Trade would not effectually carry out the inquiry, especially after its President had declared how thoroughly he concurred in the policy of the Motion of the hon. Member for Derby. He doubted the soundness of the suggestion of the hon. Member for the Tower Hamlets (Mr. Samuda), that no one should be allowed to insure more than a certain proportion of a sea risk, because, although there might be cases in which the loss of a ship would be a benefit, yet it so happened that the shipping trade, like other trades, was carried on with borrowed money, and if a shipowner borrowed two-thirds of his capital, and could insure that proportion only, his own share of the risk might be uncovered. Such a limitation would prejudice the public, and deprive them of the benefits of competition and of the low freights that were due to it. Underwriting was not done, as had been suggested, upon the principle of average premiums. Every risk was considered by itself, with reference to the character of the ship and the value of the risk. Two ships might be going upon the same voyage, and yet one might be of a better class than the other, and also better owned, which was a most important particular. One might have a rather hazardous and unwieldy cargo, and the underwriters taking all these matters into consideration, would charge, perhaps, 5 per cent in one case and 7 per cent in the other. There was nothing like a general average of risk; all risks were incurred upon particular voyages, or for a particular time, or to certain ports and places. The large companies which were their own insurers, and whose ships were well built and well manned, in many cases received large amounts of public money for the performance of mail contracts, and were to that extent placed in a better position than other shipowners. It had been said that iron was a dangerous cargo. So it might be at the bottom of a ship, but when it was properly adjusted there was not a better cargo than railway iron. [Sir JOHN PAKINGTON: So long as you do not carry too much of it.] Of course, one might take too much of anything, or might carry it in the wrong place, but except on these conditions iron was not an objectionable cargo. In regard to the Amendment of the hon. Member for Hull (Mr. Clay), he was inclined to think that it ought to be adopted. It would be difficult to exclude from the view of the Commission evidence that might affect some persons criminally; and it ought to be in the power of the Commission to take evidence from witnesses, and to give them the assurance that they would not be liable to proceedings in a Court of Justice for anything that they might depose.

SIR JOHN HAY said, that, although he regretted the publication of some of those pages of the hon. Member's (Mr. Plimsoll's) book which cast personal reflections, he thought that the Mercantile Marine and the seagoing population could not fail to be greatly benefited. With regard to the Amendment, it was desirable if evidence were taken that it should be upon oath. He did not see how evidence of a satisfactory character could be given before such a tribunal without the advantage which would thus be derived by the persons accused. Still he trusted that the hon. Member for Hull would not press his Amendment to a division, but that the Government would take the proper means by a Bill to give the necessary powers to the Commissioners. He regretted that the President of the Board of Trade had shown some disposition to limit the inquiry, but he hoped that it would be as comprehensive as possible. With respect to overloading of vessels, there ought to be no difficulty in marking a ship by a maximum load-line, which would show to the surveyor at a glance whether the vessel was fit to go to sea. He should be sorry if collisions were excluded from the purview of the Royal Commission. The President of the Board of Trade himself did not seem to know whether the loss of life from missing ships was included in the Return that had been quoted. The loss of life at sea was put down at 2,000 a-year, and if it did include the missing ships it was not less than 4,000. Even the smaller number was, however, frightful to contemplate. One-third of the loss of life was due to the want of harbours of refuge on the coast, a considerable portion to collisions, and fully one-half to overladen ships. He trusted that the President of the Board of Trade would enlarge the scope of the inquiry, so that the fullest information might be obtained as to all the causes that led to the loss of life upon our coasts, and that he would also take measures for obtaining the evidence on oath.

SIR STAFFORD NORTHCOTE said, that it might be doubted whether this inquiry should be instituted by a Royal Commission or by a Parliamentary Commission with power to administer an oath and to compel witnesses to attend. The great object of the inquiry was not to pursue individuals or to establish or refute particular charges, but to investigate the magnitude of the evil and the possible remedies. It would be unfortunate if the inquiry were allowed to trail off into a mere question of personal character. The question was, whether the Commission could attain the objects desired unless the Commissioners were armed with powers to take evidence on oath and compel attendance. He spoke somewhat feelingly on this subject, because he had the honour to preside over a Royal Commission on Friendly Societies, and in that capacity he asked the House to confer on it the powers of administering oaths to witnesses. The House had shown itself disinclined to do so; and he was bound to say that, in consequence, the investigation of the Commission was not nearly so complete as it would otherwise have been. Many cases would be brought forward before the proposed Commission, some of them involving questions of a personal character, and the powers in question would be absolutely necessary. He rose, not so much for the purpose of giving his own opinion definitively in favour of the Amendment, as to say that unless the arguments urged in its support did not meet with a more serious answer than had yet been given to them, the House ought to pause before committing this inquiry to a Commission which would not have sufficient powers to enable them to get at the truth. Therefore, he trusted that before the debate closed the Government would either express some further opinion on the subject, or else promise to re-consider it before a final step was taken.

SIR HENRY SELWIN-IBBETSON remarked that, in appointing this Royal Commission, the House was dealing with a subject which admitted of no delay. Hon. Members knew what delays might attend the passing of a Bill for the appointment of a Royal Commission, and they should bear in mind that if the Commission after its appointment felt that they had not sufficient powers, no doubt, if they asked the House, those additional powers would be granted to them. This, he thought, was an answer to the Amendment moved by the hon. Member for Hull. The points to be submitted to the Commission appeared to be very clear and distinct. There was almost overwhelming evidence that a very large amount of loss of life and casualties at sea around our coasts arose from the overloading of ships and the unseaworthy state in which many of them were sent to sea. Suggestions had been made that by establishing a certain fixed load-line a solution of the difficulty might be easily arrived at. Besides, it had been suggested by the hon. Member for Derby that the question of insurance entered very largely into the consideration of this subject. The hon. Member for the City of London (Mr. Crawford) was, in his judgment, too much led away by considerations of commercial interests, and had forgotten that we had also to consider the prevention of loss of life. In the old days, when insurance was unknown, owners took care that their ships were in a proper condition when they were sent to sea; but the practice of marine insurance had, as was alleged, produced a change in this respect. These three points, simple enough in themselves, would at once come under the notice of the Royal Commission, and if the evidence supported the allegations the House would be greatly assisted in accomplishing the object it had in view. If the Commissioners should require additional powers they might make application to Parliament, but he hoped they would be appointed without delay, and enter upon their labours as speedily as possible.

Mr. RATHBONE said, it was not only undesirable, but practically impossible, to limit the insurance, and pointed out that it was the practice of underwriters at present to make a deduction of one-third for the amount which the shipowner would have to pay for repairs. Take, however, the question of total loss. The insurers could not know within 10 or 20 per cent the amount a ship would fetch, and, therefore, the owner might considerably overstate its value. In his opinion, it would be unwise to impose penalties which would produce only an apparent security. The House was generally agreed that a large proportion of losses at sea resulted from preventible causes, but he maintained that previous legislation, if properly carried into effect, would suffice to prevent them, more especially the law of last year, making it a misdemeanour to send a ship to sea in an unseaworthy condition.

Mr. BOUVERIE said, that the case cited by the right hon. Baronet (Sir Stafford Northcote) of the Royal Commission on Friendly Societies proved the importance of giving the Commission now proposed, power to administer oaths and to compel the attendance of witnesses. A roving Commission, such as had been moved for, could only take volunteered evidence, and it was obvious that this would not be sufficient in the present instance. He would suggest that the Government should consider the propriety of appointing a Commission at once, and bringing in a Bill analogous to that introduced with reference to Trades' Unions a few years ago, giving the Commissioners the power of administering an oath and compelling the attendance of witnesses. If the House divided he should support the Amendment; but he thought a division would be unnecessary, if the Government would give the House some further assurance on this point.

Mr. GATHORNE HARDY said, he hoped the House would not divide, as most hon. Members appeared to wish for a thorough and complete investigation of this question. The right hon. Gentleman at the head of the Board of Trade had expressed himself to that effect, and proposed that instead of carrying any Motion to-night he should bring forward on a future day one of his own, so framed as to meet with the approval of the House. That meant that the Government would take the whole conduct of the question into their own hands—[Mr. C. Fortescue said, that would be so]—and consider it in such a manner as to arrive at the whole truth. There were questions of the deepest moment to be dealt with; and, first in importance, was that of insurance—and as it affected the character of individuals, the evidence respecting it ought to be given on oath. There were questions of ownership—and as to change of the names of ships, which would have to be inquired into. There must be a full investigation to show how these dread disasters had happened, and whether we could devise for them a sufficient remedy. His right hon. Friend near him (Sir Stafford

Northcote) had told him that in another inquiry, which concerned matters of the same kind and involved questions of personal character, they had summoned witnesses who did not come, and that they were not in a position to report to this House a full and true account of that which they had been appointed to examine, and it became this House to consider whether it was doing its duty in passing a Resolution which did not tend to a full and complete inquiry. A Royal Commission had no power to compel the attendance of witnesses; and when they were inquiring into matters so grave as those which had been mentioned by the hon. Member for Derby (Mr. Plimsoll), which involved the character of many persons—for they could not get at the facts which it sought to ascertain without involving the characters of individuals — they should consider carefully what the nature of that inquiry should be. It was impossible, for example, to say that a number of ships had been refused insurance at Lloyd's without inquiring whose ships they were. It was due to the shipowners of this country that it should be known whether there was a general or a particular charge. He did not care whether it was A or B, but he wanted to know that it was not every member of the alphabet. He wanted to know whether the Mercantile Marine of this country was conducted with honour and integrity, as he believed the commercial affairs of this country generally were. When they were going to investigate what was, in fact, a charge of an organized system of manslaughter—when they were going to bring charges which involved such an awful contingency—he thought the Government ought to give their assurance that they would take into their serious consideration whether this Commission should not examine upon oath.

MR. HENLEY said, the House seemed generally agreed that there should be an inquiry into this subject. Statements had been scattered broadcast throughout the land, without any power on the part of those interested to answer them; and these statements were founded—in the beginning, middle, and end—on a very sensational paragraph copied from one of the Wreck Returns of the Board of Trade for 1869. He would not say that the paragraph was inaccurate, because they had lately had to pay £3,000,000 for language which was only less accurate; but he ventured to say that it could not be drawn with any truth from the tables contained in the same Return. The paragraph was a strong one. Speaking of the number of wrecks, it said that if the number was subdivided, it would be found that about a half was represented by unseaworthy, overladen, and ill-found vessels, chiefly employed in the coal trade. That might mean that all that class of vessels were of this description, or that many, or that some were, and he ventured to say that when the tables were consulted, it would be found that not 10 per cent came under the description. The hon. Member who had scattered this information throughout the land was quite candid, because he printed upon the same page, figures that would show something of the truth. His main object in addressing the House was to urge upon the Government that in constituting this Commission they should put upon it some persons conversant with the coasting trade, for the question was one with which naval officers could not be supposed to be well acquainted. It must not be forgotten that on the coasting trade of this country two matters of national importance depended. The one was, that if they got rid of the coasting trade their supply of fuel would be a monopoly in the hands of coal-owners and railway companies; the other was, that the coasting trade was the great nursery of their seamen. The dangers and difficulties which the small vessels engaged in the trade constantly encountered ought, therefore, to be well considered, and it was impossible that its peculiarities could be duly weighed, except by persons possessing adequate knowledge of its position. He did not attach much importance to the question whether this Commission was to be armed with the power of examining on oath. It was natural that the persons who had been attacked should desire to have the evidence taken in the strictest possible way; but when they considered how much the whole matter would turn upon opinion and not upon facts, then the examination upon oath did not seem to him of such great importance. One question which they would have to consider was, whether vessels ever ought to be lost in the storms that took place on this coast, and that surely must be a matter of opinion.

The question of sufficient manning, the effect of the alteration in the build of ships, and the dangers of certain cargoes, were all matters more or less of opinion. He trusted that the Government would be careful of the parties they appointed to serve on the Commission.

Mr. PEEL said, that he would be able to satisfy the hon. Baronet opposite (Sir John Hay) that collisions at sea ought to be excluded from this Commission. There were in existence very minute regulations issued by the Board of Trade, with a view of avoiding collisions, and those regulations had been accepted to a great extent by foreign nations. It would therefore be a very serious thing that a Commission should be issued, without any concert with these nations, on a matter which affected not only our own ships but the ships of other countries. He might add that his right hon. Friend the President of the Board of Trade had under his consideration the question whether in cases of collision the captain of the offending vessel should not be held guilty of a misdemeanour where there was culpable negligence on his part. With reference to the other point, the whole aim and endeavour of the Government would be to establish a full and searching inquiry into the question with which they had to deal. It must, however, be observed that this inquiry was not to be extended to the conduct of particular individuals, and he could not help remarking that the hon. Member for Derby had somewhat hindered the success of his Motion by making personal charges in the book he had published on the subject. The Royal Commission would not go into charges of that kind—its inquiry would have a wider range. He saw no reason why the Royal Commission should be empowered to examine upon oath. Its members would have to visit the various ports of the kingdom in order to ascertain the real state of facts for themselves, which as men of intelligence and observation they would have no difficulty in collecting, and the scope of their investigations would be limited, rather than extended, were they to have to examine all witnesses upon oath. Should it subsequently be found desirable that they should have that power, in order to prevent their inquiries from being eluded, there would be no difficulty about the House granting it, and he was authorized to say that in such a case the Government would be perfectly willing to support such a demand in case of necessity. He trusted that the House would accede to the proposition of the Government, and would not insist upon the inquiry assuming in the first instance the appearance of a criminal investigation into the conduct of any individual shipowner, but would, in the interests of the great mercantile community, of that House, and of the public, rather adopt a course that would enable this important question to be most rigidly inquired into.

Sir JAMES ELPHINSTONE said, he hoped that the investigation would be as searching as possible. The speed at which steam vessels propelled at any great power made their way in the dark and in foggy weather was the cause of many of the disasters which occurred, and the vessels coming in collision seldom thought of stopping to ascertain the damage which they had occasioned. There was no man in whom he had greater confidence than the right hon. Member for Oxfordshire (Mr. Henley); but he could not agree with the proposition which he had laid before the House, because the result of this investigation would be to put an end to many of the obsolete ships which the country was now navigating, but which were only fit for firewood. Look at the great loss which was suffered by the timber trade with Canada. Ships which had lost their name and their character were engaged for the purpose of importing timber into this country. They were loaded at a bad period of the year, and were started home from America in the most tempestuous weather. Then decks were only prevented from blowing up by their deck loads, and the sailors employed to navigate them often suffered the most horrible tortures during the voyage. The whole matter was a scandal upon the British nation. He was most happy to support the Amendment of the hon. Member for Hull, for he thought the circumstances should be investigated in every possible way.

Mr. Alderman W. LAWRENCE said, the Royal Commission which the Government was about to issue was expected throughout the country. But that Commission would probably not report until next year, and as no legislation founded on the Report could come into effect before the 1st of January, 1875, he suggested that in the meantime a short Bill should be passed giving power to the Board of Trade to ensure the effectual carrying out of the Act of 1871 relating to the condemnation of unseaworthy vessels.

Mr. PLIMSOLL said, he would thankfully accept the Commission offered by the Government. He trusted that the Government, while undertaking the responsibility of appointing the Commission, would take care that it had all the necessary powers conferred upon it. He intended to introduce a Bill dealing with over-loading, deck-loading, and other similar matters. He would withdraw his Motion.

Mr. CLAY said, if the Motion of the hon. Member for Derby were withdrawn, his own proposition that the evidence should be taken on oath would fall to the ground. He therefore objected to the withdrawal of the Motion of the hon. Member. If the Government would undertake that the evidence should be taken on oath, he would not put the House to the trouble of dividing.

Mr. GLADSTONE said, he believed there was a misunderstanding on the subject, and thought it would be a pity that the House should divide, when a slight explanation would render a division unnecessary. In the first place, the right hon. Gentleman the Member for the University of Oxford (Mr. G. Hardy), should not be under any misapprehension with regard to the intention of the Government. That right hon. Gentleman appeared to think that the President of the Board of Trade intended to move for an Address for a Royal Commission. There would be no objection, but, on the contrary, every desire to give the House the fullest information of its intentions in such a manner that, if desirable, they might be qualified; but it was not usual for the Executive Government, when intending to advise the exercise of the power of the Crown, to come to Parliament in order to relieve itself from responsibility. With respect to the Amendment of his hon. Friend the Member for Hull, it did not give to the Commission the power of compelling witnesses to appear before them, nor did it give to them an ulterior power of great importance—namely, that of indemnifying witnesses who might appear before them against the consequences of their evidence. Therefore, the object of those hon. Members who thought the Commission should be invested with those powers would not be gained by supporting the Amendment of his hon. Friend. The most prudent course, if he might be permitted to say so, was that which had been pointed out by the hon. Baronet the Member for Essex (Sir Henry Selwin-Ibbetson). The Government thought that without the smallest delay the Commission should be set to work. When the Commission was properly constituted, it would feel its own ground. The object of all of them was to have a very searching inquiry, and the Government would be most ready to ask either that witnesses should be examined on oath, or, if necessary, to go further. But it certainly would not be desirable that at the commencement the Commission, which would inquire into matters affecting the whole maritime population of the country, should be vested with powers such as were given to the Commission which inquired into the outrages at Sheffield. Such powers would impart to this inquiry a criminal character. No one was desirous of casting such an imputation upon the shipowners. On these grounds, he hoped his hon. Friend would be disposed to withdraw his Amendment.

Amendment and Motion, by leave, *withdrawn.*

PARLIAMENT—BUSINESS OF THE HOUSE (OPPOSED BUSINESS).

RESOLUTION.

Mr. BOUVERIE moved the following Resolution:—

> "That, except for a Money Bill, no Order of the Day or Notice of Motion be taken after half-past Twelve of the clock at night, with respect to which Order or Notice of Motion, a Notice of Opposition or Amendment shall have been printed on the Notice Paper, or if such Notice of Motion shall only have been given the next previous day of sitting, and objection shall be taken when the Notice is called."

He explained that he brought forward this Resolution now, because last Session it had been adopted and had been found to work well, for it enabled the bulk of the House to know what was coming on at a late period of the night, and prevented the unseemly exhibitions which occurred when constant Motions were made for the Adjournment of the House and the Debate. Towards 1 o'clock in the morning, the House was not in a condition to discuss details of important measures, and this Resolution was necessary to prevent debates upon the merits of a Bill being continued on a Motion for Adjournment. He therefore hoped the House would be disposed to affirm it again.

Motion made, and Question proposed,

"That, except for a Money Bill, no Order of the Day or Notice of Motion be taken after half-past Twelve of the clock at night, with respect to which Order or Notice of Motion, a Notice of Opposition or Amendment shall have been printed on the Notice Paper, or if such Notice of Motion shall only have been given the next previous day of sitting, and objection shall be taken when the Notice is called."—(*Mr. Bouverie.*)

Sir HENRY SELWIN-IBBETSON would not oppose the proposition, but hoped the House would not consent to its being made more than a Sessional Order, because, as was the case on Wednesday, it led to Orders of the Day being talked out. The tendency of a hard-and-fast-line like that was to convert every night's debate into a Wednesday afternoon discussion, and such a limitation might be carried too far.

Sir FRANCIS GOLDSMID opposed the adoption of the rule which caused hon. Members to talk against time, and led to serious hindrance of Business.

Mr. CHARLEY also opposed the rule, because it tended to give a further monopoly of Business to the Government. He moved an Amendment the effect of which was to restrict the operation of the proposed rule to the second reading of Bills.

Amendment proposed, after the word "Day," in line 2, to insert the words "for the Second Reading of a Bill."—(*Mr. Charley.*)

Question proposed, "That those words be there inserted."

Mr. W. FOWLER complained that the rule prevented private Members from carrying through any legislation. He thought that if the House meant to stop all legislation by private Members it would be far better to have a standing rule to that effect than in this indirect and underhand way to put an end to their labours.

Mr. GLADSTONE said, that this was a question in which it behoved the Government to consult the general feelings of the House rather than its own. After having watched the operation of the Resolution last Session, he was proud to say that, upon the whole, and in spite of certain disadvantages, it had worked to the comfort and relief of a really overtasked House.

Colonel WILSON-PATTEN agreed with his right hon. Friend in approving the rule, though there were instances in which independent Members had suffered inconvenience. But on the whole, the conduct of Public Business last Session was greatly improved by the adoption of the rule.

Mr. DILLWYN admitted that the comfort of hon. Members might be increased by the rule; but it must be borne in mind that hon. Members were not sitting there for their own comfort, but for the interest of the nation, and the question was, whether the rule had conduced to the public interest.

Amendment, by leave, *withdrawn.*

Main Question put.

The House *divided:*—Ayes 191; Noes 37: Majority 154.

Resolved, That, except for a Money Bill, no Order of the Day or Notice of Motion be taken after half-past Twelve of the clock at night, with respect to which Order or Notice of Motion, a Notice of Opposition or Amendment shall have been printed on the Notice Paper, or if such Notice of Motion shall only have been given the next previous day of sitting, and objection shall be taken when the Notice is called.

MARRIED WOMEN'S PROPERTY ACT (1870) AMENDMENT (No. 2) BILL.

(*Mr. Staveley Hill, Mr. Raikes, Mr. Goldney.*)

[BILL 24.] COMMITTEE.

Order for Committee read.

Mr. STAVELEY HILL rose to move that the House go into Committee on this Bill; but

Mr. MELLY asked Mr. Speaker, if it was consistent with the Resolution just adopted by the House to proceed with this Bill, on which various Amendments were to be proposed?

Mr. SPEAKER said, that the Resolution ought not to apply to Orders of this Day standing on the Paper before the Resolution was adopted by the House. The House ought to have full knowledge of the passing of the Resolution before it was enforced.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Staveley Hill.*)

MR. HINDE PALMER said, that this Bill had by accident got precedence over a more comprehensive Bill of his own with a similar title, and as the hon. and learned Member would not postpone his Order, as he had previously understood he intended to do, he should move that the House go into Committee on the Bill that day six months.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into the said Committee,"—(*Mr. Hinde Palmer,*)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

COLONEL BARTTELOT moved the adjournment of the debate.

Motion *agreed to.*

House *resumed.*

Debate *adjourned* till *Tuesday* 22nd April.

LOCOMOTIVES ON ROADS BILL.

On Motion of Mr. CAWLEY, Bill to consolidate and amend the Laws relating to the use of Locomotives on Turnpike and other Roads, *ordered* to be brought in by Mr. CAWLEY, Mr. WYKEHAM MARTIN, Mr. FREDERICK STANLEY, Mr. HICK, and Mr. PENDER.

Bill *presented,* and read the first time. [Bill 88.]

CHILDREN'S PROTECTION BILL.

On Motion of Mr. MUNDELLA, Bill for the protection of Children, *ordered* to be brought in by Mr. MUNDELLA, Mr. ANDREW JOHNSTON, Mr. JOHN GILBERT TALBOT, and Mr. RAIKES.

Bill *presented,* and read the first time. [Bill 89.]

House adjourned at a quarter before One o'clock.

HOUSE OF COMMONS,

Wednesday, 5th March, 1873.

MINUTES.]—PUBLIC BILLS—*Ordered—First Reading*—Weights and Measures (Metric System) * [90].
Second Reading—Municipal Officers Superannuation [6]; Salmon Fisheries [19]; Railways Provisional Certificate * [78].
Committee—Report—Marriages (Ireland) * [68].

MUNICIPAL OFFICERS SUPERANNUATION BILL—[BILL 6.]

(*Mr. Rathbone, Mr. Massey, Mr. Birley, Mr. Dixon, Mr. Morley, Mr. Cross.*)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Rathbone.*)

MR. FIELDEN moved, as an Amendment, that the Bill be read a second time that day six months. The system of pensions had for a long time been universally condemned by public writers, such as Cobbett; but of late the term "pension" had been changed to the milder form of "superannuation allowances." The system was most pernicious; for public servants, instead of acting as free men on receiving a fair remuneration for their services, trusted to being provided for in their old age, instead of providing for themselves. They were, in fact, what Dr. Johnson had described them, "hirelings of the State." If they looked at the way in which the Superannuation Fund had grown of late years, and to the effect of the superannuation or pension system—for they were identical—with regard to the nation, they would feel that it was not desirable to extend it further, but rather that they should give their attention to the best mode of striking at its root. The superannuation allowance of the State amounted in 1845 to £80,300 per annum; in 1850, it had increased to £108,768; in 1860, to £177,713; in 1870, to £338,377; and in 1872, according to the Estimates of last year, it had increased to the enormous amount of £415,677. The tendency of all Governments on coming into power was to find places for their hangers-on — those who voted steadily for them—and the mode of operation was by reconstructing offices, when the holders of office who were in the prime of life and capable of discharging their duties efficiently to the State, instead of being transferred to some other Department, were compensated for the loss of their emoluments. The increase in the Superannuation Fund from 1845 was—in 1850, 35 per cent; in 1860, 121 per cent; in 1870, 300 per cent; and in 1872, 420 per cent. The House ought to pause before they did anything towards introducing this vicious system to municipal corporations. If this Bill passed, municipal corporations would reduce the salaries of their officers, and, of course, would be worse served; and if, in addition to the £500,000 already spent per year in pensioning public servants, we were to spend money in pensioning municipal officers also, the burden would soon become unbearable and intolerable. Such a burden would tend to reduce the poorer ratepayers to actual paupers. And if the principle of this Bill were generally adopted, would it not be consistent to pension our agricultural labourers who had no means of providing for old age, and who, in the time of their strength, had conferred great benefits upon the country? The hon. Member concluded by moving the Amendment.

Mr. MELLOR, in seconding the Amendment, said, that he believed if such a Bill as this should come fully into operation it would increase the burden on account of pensions by one-third. The Estimates of last year showed that the sum voted for pensions amounted to 25 per cent upon the whole amount paid for services rendered in the Departments. In the Paymaster General's Office, indeed, the state of affairs was still worse, because there the amount paid for salaries as compared with that paid for pensions was as 12*s.* 9*d.* was to 7*s.* It would be most unfortunate that a system which had worked so badly in the public service should be introduced into every borough in the kingdom.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Joshua Fielden.*)

Mr. J. B. SMITH said, he thought that municipal officers should be well paid for their services as long as they continued in office; but that when they retired they should be expected to provide for themselves. That was the principle upon which he acted himself, and he saw no necessity for changing it.

Mr. RATHBONE said, his Bill was only permissive; but he believed that the superannuation of municipal officers would be beneficial to the public by preventing losses arising from the retention of office in cases in which retirement was desirable. The Bill contained a provision enabling the municipal authorities, in the case of new appointments, to arrange with the officers that they should lay by a certain proportion of their salaries to go towards providing superannuation allowances. He hoped the House would be of opinion that these large bodies, to whom such important duties were entrusted, understood their business, and that they might safely be entrusted with a power which was already vested in a great many public Departments in the country. He brought forward the Bill in the interests of the taxpayers at large, believing that if it was carried, its effect would be materially to reduce the rates.

Mr. WYKEHAM-MARTIN said, he should vote for the second reading. The Bill was extremely well drawn, and he did not see how any job could possibly be perpetrated in the event of its becoming law.

Mr. LOPES said, it was not to the details, but to the principle of the measure that he objected. It was a most dangerous principle to introduce, as it would be found impossible to restrict its application to municipal bodies. He feared that if the Bill should become law it would augment the heavy burdens already cast upon the ratepayers. He should therefore vote against the second reading.

Mr. RYLANDS, while admitting that the Amendments he had proposed in the Bill last year had been introduced into it, said, his objection to it remained almost as strong as ever, because the principle which it laid down was a vicious one. As the question of superannuation allowances generally was likely to form the subject of investigation by the Select Committee on Civil Service Expenditure, he hoped the Government would not give its support to a measure of this character, which would only add to the difficulty of dealing with the general question. He believed that the system of granting retiring allowances would have, sooner or later, to be uprooted, because it was unjust to the taxpayers and vicious in the influence it exerted on public officers. No additional burden ought to be placed upon the taxpayers unless it was for the advantage of the taxpayers.

Mr. SALT considered that, on the whole, the arguments were in favour of the second reading; but he thought, if there was to be a superannuation fund for municipal officers, it should come out of the local rates. The measure would be a very useful one if it were modified.

MR. DICKINSON believed that no preceding Parliament had done so much in the way of providing pensions for retiring officers as the present so-called economical one. He had no objection to a person retiring from office after long and faithful services, either from old age or ill health, having a moderate pension allowed him, having regard to his condition of life and the nature of his office. But it appeared to him that the pensions provided under this Bill, which adopted the Civil Service scale of pensions, were far too high, and encouraged a want of thrift in the officials to whom it applied. He objected to the permissive character of the Bill. If a man earned a pension let him have it. But a service of 10 years was too short to entitle a man to a pension, though he had become infirm. It was said that part of the Bill which enabled municipal corporations to grant to their officers pensions amounting to two-thirds of their salaries was justified by the conduct of private employers towards their servants; but private employers did not grant pensions at all approaching that amount. He viewed the superannuation system proposed by this Bill as one framed in the interest of the rich, or as a kind of Poor Law for the higher class of officials.

MR. E. WELLS supported the Amendment, on the ground that the Bill was likely to increase the burdens of the already heavily-taxed ratepayers.

MR. ASSHETON CROSS denied that the measure would have the effect of increasing the burdens of the ratepayers. The question really involved was one which no hon. Gentleman had as yet alluded to—namely, how they could secure on the part of the ratepayers the best possible services for the smallest amount of money. They must select one of two courses—either to give their officials larger salaries, and tell them that when they become unable to perform their duties they should retire without any allowance, or to give them lower salaries, and let them know that if they performed their duties faithfully, and were obliged to retire from old age or ill-health, they would be allowed a certain pension. Now, he believed that the latter course was by far the more preferable one, that by pursuing it they would get better men, and that in the end it would be the more economical one, both as regarded the Government and the ratepayers. In many cases, in consequence of death or retirement from service, no pension would have to be paid. It appeared to him to be absurd to suppose that this measure would prove an incentive to men to abstain from work or act improvidently. In his mind it would produce the very contrary effects. In consequence of the high price of all commodities the Government would either be compelled to increase considerably the salaries of all their officials, or to provide pensions for them on their retirement.

MR. ALDERMAN W. LAWRENCE remarked that no pension could be given under this Bill, unless the restraints which it imposed were observed and the Home Secretary gave his approval. Municipal corporations were the representatives of the ratepayers, and they might well be trusted with reference to the employment and the reward of the municipal officers. In the interest of local self-government it was highly important that municipal corporations should be vested with the power proposed to be given to them by this Bill.

MR. BRUCE, in supporting the second reading, said, that the hon. Member for Warrington (Mr. Rylands) had argued that no increase should be made in the burdens of the taxpayers that was not for the public advantage; but that was an argument which begged the question. The question was, whether the principle of superannuation was not for the public advantage? The promoters of the Bill had come forward simply in the interests of the public, and all would agree that there was no economy more spurious or more misdirected than that which interfered with the efficient performance of public duties by public officers or by the officers of corporations. The hon. Members who had opposed the Bill had all, with one exception, been consistent enough in their opposition, because they were opposed to superannuation under all, or nearly all, circumstances; but the majority of the House had shown in recent legislation, that they were in favour of the system, and that they believed it to be conducive to the efficiency of the public service. The House could not assume that the whole system of superannuation would be set aside by the recently appointed Financial Committee, though no doubt the conditions and amount of pensions in various cases would form a legitimate subject of inquiry before that Committee. There was a strong pressure upon the Government from every part of the country to place the superannuation of the police forces on a firmer footing; and this, coming from such public authorities as justices in quarter sessions and watch committees, showed how general was the opinion that superannuation was a means of obtaining efficient service. It might be true in the abstract that when a man proved no longer efficient his employers would not hesitate to get rid of him; but they must take questions of this kind in the light that had been thrown upon them ever since men's characters were observed, and they would find that, even in private establishments, where profit was the first consideration, even there men were kept from motives of compassion when they were no longer equal to their position. He remembered once in early life, when he was a trustee in an important matter, the pleasure it gave him to superannuate an old servant who had outlived his efficiency, by giving him a handsome retiring pension. Municipal corporations were called upon to perform important functions, and it was the duty of Parliament to invest them with those powers which would enable them to get persons who would discharge their duties efficiently, and would not tempt them to retain those persons after they had ceased to be efficient. Without binding himself to the details of the measure, and agreeing to some of the objections which had been raised to some portions of it, he would give his hearty vote in support of the second reading.

Mr. HERMON said, that having heard the statement of the right hon. Gentleman the Secretary of State for the Home Department, that applications for superannuation allowance were being made by almost all classes of public servants—a principle which he disapproved in all cases, except those where duties were performed which were dangerous to life or person—he should deem it his duty to oppose the second reading.

Mr. COLMAN, believing that the arrangement contemplated by the Bill would be conducive to the efficient discharge of public duties in towns, would support the second reading.

Colonel BARTTELOT opposed the second reading. Looking at the empty benches, it was evident that the House took no interest in the Bill; but if a measure of this kind was to pass at all, it should go much further than the present Bill. There were other important bodies besides the municipal authorities who had an equal claim to be invested with power to superannuate their officers; and why did the Bill not deal with them also? As to the police, they were doing what all public bodies ought to do—namely, they were providing themselves with a superannuation allowance out of their pay. But with what justice could Government do away with the pensions of soldiers—men who defended their country throughout the whole world, by the Short Service Enlistment Act, in order that the country should not be burdened, and yet support this Bill? That was a strong argument against the position taken up by the right hon. Gentleman the Secretary of State for the Home Department. In fact, the less they multiplied pension-lists the better for the whole country. He believed that the Bill would add considerably to the weight of local burdens without conferring any corresponding benefit, and he should therefore vote against the second reading.

Mr. R. N. FOWLER supported the Bill, and thought that the injustice done to soldiers was no argument for doing an injustice to municipal officers.

Mr. WHEELHOUSE opposed the Bill, and argued that it was a fallacy to imagine that municipal corporations represented the ratepayers. The aldermen were a stationary body, and offices were almost invariably given, in a particular way, to the political friends of the members of the town council. Not an atom of power should be given to such bodies more than could be helped. The hon. and gallant Member for West Sussex (Colonel Barttelot) asked why it was proposed to deal with municipal officers only. Well, he (Mr. Wheelhouse) asked the same question. There were Boards of Guardians and other parties, who ought to have the same powers as municipal officers. Upon these principles he opposed the Bill.

Mr. PEASE approved the measure. The hon. Member for Leeds (Mr. Wheelhouse) must be aware that his own corporation had special powers to pension their superannuated officers. That a corporation had been badly managed was no reason for refusing all superannuation allowances to old and meritorious officers. The real point of the case was this—if a man served for a salary and a pension, his salary was so much lower; if a man served without a pension the salary was so much higher.

MR. COLLINS said, he thought that advantage would have arisen from the substitution of 20 years for 10 years. In some respects doubtless the Bill would be an improvement upon that of last year; for the Bill contained the provision that no pension should be granted to anyone whose whole time had not been occupied in the discharge of the duties of his office. Care, however, must be taken that a young man meeting with an accident should not be a pensioner for the whole of a long life. He had known cases of eminent Judges seized with illness after a few years' service, and who received pensions for 30 or 40 years. He hoped the Bill would not be passed this year.

MR. EASTWICK said, he thought it would be unwise economy to reject the Bill.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 101; Noes 44: Majority 57.

Main Question put, and *agreed to*.

Bill read a second time, and *committed* for *To-morrow*.

SALMON FISHERIES BILL—[BILL 19.]

(*Mr. Dillwyn, Hon. William Lowther, Mr. Assheton, Mr. Alexander Brown.*)

SECOND READING.

Order for Second Reading read.

MR. DILLWYN, in moving that the Bill be now read a second time, explained its origin. In consequence of statements made in Parliament in 1865, a Committee was appointed on the Salmon Fisheries, and in 1869 an Act was framed on the Committee's Report; but so many defects were found in this Act that the Commissioners of the Tyne River introduced a Bill to supply the deficiencies. The Government opposed the Bill, and said that if it were withdrawn they would take up the question of salmon fisheries themselves. Accordingly, the Bill was withdrawn, and the Government introduced another. This, however, was a somewhat crude measure; it met with considerable opposition, and that also was withdrawn; and a Select Committee was appointed to consider the whole question. The Committee was presided over by the hon. Member for Stockton (Mr. Dodds)—in 1871 they reported; and, in that year, the hon. Member for Stockton introduced a Bill purporting to be founded on the recommendations of the Committee. It varied, however, in some essential particulars from their recommendations. This Bill was opposed by the mill-owners, by those interested in the lower waters, and by those interested in the upper waters. The hon. Member for Stockton did not conciliate all parties, he met with opposition, and this Bill also was withdrawn. Last year, the Tyne Conservators drew up a Bill, and at their request he introduced it. The Bill was read a second time, without a division, on the understanding that it should be referred to a Select Committee. The Bill was then thoroughly and fully discussed. It was too late to pass it last year; and this year he had hoped that the Government would take up the question. They declined to do so; but he believed that they were in favour of the Bill which he now proposed should be read a second time. The Bill was simply a repetition of the Bill of last year. The hon. Member for Stockton had brought in a Bill on the same subject; but they had endeavoured to reconcile their differences, which were rather in detail than in principle, and to join in support of the present Bill. [MR. HERMON: Are both Bills identical with the Bills of last year?] No. That being the case, he would not trouble the House further. He proposed that the Bill should be read a second time that day, and committed *pro formâ* on Monday for the purpose of having some Amendments printed.

MR. STEVENSON said, that within a few years the salmon fishery at the mouth of the Tyne had become a very valuable industry; and the fishermen had taken £40,000 worth of fish in a year. These salmon were caught in the German Ocean, so that they ceased to be regarded as a river fish at all. This new source of supply was looked upon with great jealousy by the owners of the up-river fisheries; but he hoped that the House would not interfere with the salmon fishing in the German Ocean. Experience in the neighbourhood of the Tyne did not support the fears of those engaged in the up-river fisheries, that sea fishing would destroy the river fisheries altogether; yet the clauses restricting the size of the mesh and length of the net to be used would make sea fishing impossible.

Mr. WALSH objected to clauses from 17 to 27 as a cumbersome method of electing a Board which would not work. He also objected to the powers given by Clauses 28 to 31 to the water bailiffs and conservators, who very frequently were old poachers, and were appointed on the principle of "set a thief to catch a thief," and should oppose those clauses to the utmost of his power at future stages of the Bill. He thought the Salmon Acts sufficiently stringent, and believed that the reason why they did not fulfil the expectations of their promoters was that the upper proprietors had no interest in seeing their provisions carried out.

Mr. ASSHETON rejoiced at the prospect of passing a Salmon Bill this year. He considered some regulation with respect to the lengths of the net absolutely necessary. With respect to the water bailiffs, he believed the regulations could not be efficiently carried out, unless the laws were acted upon throughout the entire river down to the sea; and that could not be done without the aid of the water bailiffs and the conservators, who ought to have power to examine into the proceedings along the whole river.

Mr. W. N. HODGSON said, he would not offer any opposition to the Motion for the second reading, though many clauses of the Bill were open to strong objection. He condemned the clause in particular which would prevent fishing at night. In that part of the country with which he was connected (East Cumberland) night was the only time at which the fishing could be carried on successfully, as the salmon would not strike the net by day. He trusted, however, that the Bill would be amended in its objectionable parts, and thus that the House would be able to pass a satisfactory measure this year.

Mr. DODDS supported the Motion for the second reading of the Bill, which was in the shape in which it passed the Select Committee last year. The subject was an extremely complicated and difficult one, and a combination of forces was necessary to secure the most valuable portions of the Bill, which he trusted would eventually lead to the best results. The meeting at which the arrangements referred to had been agreed on, had been attended by the promoters of the two rival Bills, as well as by other Members, and a considerable amount of attention had been bestowed upon the subject. The points of difference between the hon. Member for Swansea and himself were few and inconsiderable, and the points upon which they were agreed were very numerous. Indeed, many of the clauses in the present Bill were identical with the clauses of the Bill which he (Mr. Dodds) had introduced. There were three points which he regarded as of cardinal importance in all attempts to improve the Salmon Fishery Laws—first, with reference to the constitution of Boards; second, with reference to the power to make by-laws; and, third, with reference to the powers to place compulsory fish-passes over every weir or dam of whatever description. All the improvements wanted in the Salmon Fishery Laws might be classed under those three heads. The constitution of the Boards was unfortunately an extremely tender point, and an immense amount of opposition was created against the Bill he introduced, solely, he believed, because he sought to alter the present constitution of the Boards. The scheme of his hon. Friend with respect to this matter was rather illusory, so far as it professed to give an elective character to the Boards. The Select Committee over which he presided, and which inquired into the subject during the Sessions of 1869 and 1870, recommended that the Conservancy Boards should have an elective character imparted to them, and that the Boards should have power to make by-laws, &c. He said his hon. Friend's scheme was illusory, and he said so judging from his own experience in connection with the Tees. He had the honour to be a member of the Tees Board and the honorary secretary to it ever since its formation, and he knew what effect the change proposed in the Bill would have. He was bound to say that the present Tees Board worked very satisfactorily indeed; and he did not think any change was required there, unless it was rendered necessary in connection with increased powers. From what he could gather, the change proposed in the present Bill would affect the Tees Board in a very slight manner. By this Bill three representatives would be elected, whilst 80 members were nominated by the magistrates in quarter sessions; and there were 25 *ex officio* members, so that out of a Board of 108 members, there would only be three representing one interest, whilst 105 represented another. The hon. Member for Radnorshire (Mr. Walsh) said that in his neighbourhood the change proposed by his (Mr. Dodd's) Bill would have a different effect; but he thought that the rivers there must be of an exceptional character. Having had to encounter such an enormous amount of opposition last Session, he had this year kept from his Bill all reference to any change in the constitution of the Boards, but he was on no account less anxious that these clauses in his hon. Friend's Bill should be considered. He was satisfied that to meet the requirements of those who paid licence duties, the clauses as to representation must be made much more liberal than they were at present. With regard to the power to make by-laws, the two Bills were almost identical; but then the question arose—and he had no doubt it would receive due consideration from the House when the Bill got into Committee—as to how far power to make by-laws should be given to Boards, unless the constitution of them was made satisfactory. The two subjects were very closely connected with each other, and it was of great importance as regarded representation that all the various interests should be fairly and properly represented. The third point was with regard to the power to construct fish-passes over mill weirs and other obstructions. He regarded that question as being one of the utmost importance. The case of the Tyne had been referred to. He had occasion to refer to the removal of the Bywell weirs on the Tyne last Session, and he thought that if ever there was a case which showed clearly how important it was that these obstructions should be removed, the case of the Tyne would point it out to all time. He was extremely desirous that Boards should have compulsory powers to place fish-passes over weirs and other obstructions. What had been done within the past few years showed beyond the possibility of a doubt that passes could be constructed without interfering in the slightest degree with the milling interest of the country. He hoped his hon. Friend, in revising his Bill, would incorporate Clauses 24 and 25 of the Bill which he (Mr. Dodds) had introduced, and which bore on the subject. There were a few other points on which he regretted to say the Bill was defective, but he thought it could be amended in those respects in Committee. The last point to which he wished to refer was with reference to constructing gratings across the head and tail-races of mill-dams. At certain seasons of the year young fish got into mill-dams and were destroyed by the mill-wheel, or illegally captured. Gratings constructed at these races would be the means of saving a great number of fish. His hon. Friend proposed that all these powers should only be granted by the Home Office, but in his (Mr. Dodd's) Bill he proposed that the powers should be vested in the Conservancy Boards themselves. He did not think that the Home Office need be troubled on such minor questions as constructing a grating, although it was desirable that there should be a central authority to deal with more important questions. If the Amendments which he (Mr. Dodds) suggested should be accepted, the Bill might be made a good working measure. In the hope that these Amendments would be acceded to by his hon. Friend, he had consented to defer the second reading of his own Bill. The object of all was the same—to increase the supply of food for the people; and provided that were done by his hon. Friend's Bill, he should have great pleasure in helping to pass it through the House.

MR. PEASE, in supporting the Bill, called attention to the engineering evidence before the Select Committee, which was of the most interestingly practical as well as scientific character. He hoped that in Committee some compromise might be effected between the two sets of interests represented by the two hon. Gentlemen who had introduced measures on the subject. Unless Members representing the various interests concerned were content to give and take, this Bill, as a Private Bill, under the present regulations of the House, would necessarily fail. As to the question of the water bailiffs, which had been raised, he might say that, in his own district, the water bailiffs were chosen from the police force, and were men of high character, and did not belong to the reckless class of poachers which had been described.

Mr. BRUCE congratulated his hon. Friend the Member for Swansea (Mr. Dillwyn) on the support his Bill had received from his hon. Friend the Member for Stockton, who, after presiding most laboriously over a Committee upon this subject for two years, had introduced a measure of his own, and now, in the most generous and self-sacrificing spirit, was willing to withdraw that Bill, and give the benefit of his labours and experience to render this rival measure entirely satisfactory. If any question was ripe for legislation, we might fairly suppose that the subject of salmon fishing must be so, for he believed no single Session since he was in Parliament had passed without the introduction of some Bill in relation to it either in connection with England, Scotland, or Ireland. There were, doubtless, many difficulties connected with the question, and as had been justly stated, they could only be successfully met in a spirit of forbearance and compromise. There were many conflicting interests such as those of the upper and lower proprietors; but he believed, when looked at with fairness, it would be found that what was good for one class of interests was good for all. It was the business of the Government representing the public to see that proper measures were taken in respect of salmon fishing with a view to the supply of food, and also to encourage the employment of the people. In that spirit they were prepared to give their support to this Bill, which, after incorporating the valuable suggestions derived from the experience of his hon. Friend the Member for Stockton, he hoped would be produced in a form which would meet the approval of the House.

Motion *agreed to.*

Bill read a second time, and *committed* for *Monday* next.

Mr. Pease

WEIGHTS AND MEASURES (METRIC SYSTEM) BILL.

On Motion of Mr. John Benjamin Smith, Bill to establish the Metric System of Weights and Measures after a fixed period, *ordered* to be brought in by Mr. John Benjamin Smith, Sir Charles Adderley, Sir Thomas Bazley, Mr. Torr, Mr. Baines, Mr. Pell, Mr. Muntz, and Mr. Dalglish.

Bill *presented*, and read the first time. [Bill 90.]

House adjourned at a quarter before Five o'clock.

HOUSE OF LORDS,

Thursday, 6th March, 1873.

MINUTES.]—Public Bills—*Second Reading*—Drainage and Improvement of Lands (Ireland) Provisional Orders (25); Intestates Widows and Children (33).

Report—Epping Forest * (19).

Third Reading — Polling Districts (Ireland) * (34), and *passed.*

INTESTATES WIDOWS AND CHILDREN BILL.

(*The Lord Chelmsford.*)

(NO. 33.) SECOND READING.

Order of the Day for the Second Reading, read.

Lord CHELMSFORD, in moving that the Bill be now read the second time, said, its object was to relieve the families of poor persons of a charge which bore hard upon them at the time when they could least bear it. It frequently occurred that poor persons died intestate possessed of shares in co-operative societies, or having small debts due to them, or other small property from which their widows or children could derive no benefit without taking out letters of administration; and it was the purpose of the Bill to relieve them from this expense. It was provided, therefore, that the widow or child or other relative of an intestate, on making an affidavit before the registrar of the county court of the district that the whole estate did not exceed £100, might receive from the registrar a certificate, sealed with the seal of the Court, which should entitle such person to get in the estate.

Moved, That the Bill be now read 2ª—(*The Lord Chelmsford.*)

THE MARQUESS OF CLANRICARDE asked the noble and learned Lord whether he would be willing to extend the operation of the Act to Ireland?

LORD CHELMSFORD said, he would be very glad to have the Bill extended so as to apply to the whole of the United Kingdom; but at present he had no intention to make the attempt to extend it to Ireland.

Motion *agreed to.*

Bill read 2ª, and *committed* to a Committee of the Whole House *To-morrow.*

BASTARDY LAWS AMENDMENT BILL.

(*The Earl of Shaftesbury.*)

(NO. 29.) COMMITTEE.

Order for Committee read.

Moved, That the House be put into a Committee on the said Bill.—(*The Earl of Shaftesbury.*)

THE MARQUESS OF SALISBURY said, that as physical force had its limits, he had been unable to carry in from the Library all the statutes in which these laws were contained; but he had brought in a number of them, and when he looked at those which were now before him and at the Bill, he could not but say the Bill was drawn up in that careless manner which characterized so many Acts of Parliament, and which had drawn upon the Legislature such sharp reprimands from the Judges of the Superior Courts. The Bill was another example of these defects. It purported to amend the Bastardy Laws Amendment Act, 1872, and the way this was done was merely by referring to anterior Acts. Five of the seven sections were references to sections of preceding Acts; but surely the workmanlike way of dealing with the subject would have been to repeal the Act of last year and the preceding Acts, and to bring in a comprehensive Act artistically drawn. He did not at all dispute the object proposed by the promoters of the Bill; but it was very desirable that the law, whatever it was, should be made clear and easily comprehensible. The noble Marquess, having pointed out many points in the law which required amendment, suggested that the Committee should be postponed in order that the Amendments might be previously prepared.

LORD REDESDALE said, that it would be inconvenient to make the proposed Amendments in Committee, and also suggested that the Committee should be postponed.

THE LORD CHANCELLOR said, that in his minute criticisms of this measure, which had already passed through the other House of Parliament, his noble Friend (the Marquess of Salisbury) showed what a useful censor of proposed legislation he might be, and of what advantage it would be to have all Bills read through by some one like his noble Friend before they were sent up for the Royal Assent. He thought it would be well to defer the Committee in order that the suggested Amendments might be considered.

THE EARL OF SHAFTESBURY said, he had no objection to postpone the Committee.

Motion *withdrawn;* Committee *put off* to *Tuesday* next.

JURIES ACT (IRELAND), 1871.

QUESTION.

THE EARL OF LIMERICK rose to bring under the notice of their Lordships certain statements made with reference to the new Juries Act passed for Ireland in the Session of 1871. The statements had reference to the Clare Spring Assizes, and were as follows:—

> "CROWN COURT—*Tuesday.*
>
> "A middle-aged woman named McMahon was arraigned for committing an assault and wounding one Mary O'Loughlin. The prisoner was brought before the judge at the last assizes, but being found incapable of pleading was put back. The following jury, summoned under the new Act, was then empannelled to try whether, on the present occasion, the prisoner was in such a state of mind as to be capable of pleading:
>
> "Pat Halloran, foreman; John Baily, Martin Eagan, James Fahy, John B. LeFair, James Nagle, Anthony O'Brien, Edmund St. Lawrence, Edmund Vaughan, John Arkins, Daniel Baker, and John Caher.
>
> "This being the first jury empannelled under the new Act the proceedings were watched with close attention, and comment was freely indulged in regarding its working. After the list had been called over and the jurymen had taken their places, it was found that many of them could not speak the English language at all, whilst numbers could neither read nor write, and owing to the ignorance of the duties they were summoned to discharge the Clerk of the Crown made repeated ineffectual attempts before he ultimately succeeded in having them sworn in properly. Dr. W. Cullinan then gave evi-

dence that the woman was incapable of pleading, and on the issue paper being handed up to the foreman, it was found he was totally ignorant of the art of writing, and the verdict had to be written by another juryman who happened to write. Every person in court seemed to be amused at the whole proceeding and the grotesque appearance of the jurors.

"The woman was then ordered to be sent to an asylum."

"Several grand jurors expressed strongly their disapproval of the working of the Act; and the following resolution, which was proposed by Mr. William Carey Reeves, was passed unanimously: 'We, the grand jury of the county of Clare, assembled at the Spring Assizes, 1873, beg to protest most strongly against the Juries (Ireland) Bill, 34th and 35th Vict. chap. 65, as the Act is most complicated and expensive to the county rates, and some provisions in it are calculated to impede the administration of justice.'"

Although several very important cases were tried at the Clare Assizes there was not one conviction. Amongst the cases there was one of an attempted assassination. No harm, fortunately, was done to the person attacked, the weapon having burst, shattering one hand of the assailant, who was shortly afterwards arrested. No attempts are stated to have been made to prove that he was not the man who held the weapon, yet he was acquitted. Similar, though more general, statements had been made as to the working of the Act in other counties. In Meath the grand jury passed a resolution condemning its working, and it seemed that in Leitrim the jury were scarcely acquainted with the nature of their duties. It was the same in the county with which he was more immediately connected—the county of Limerick. In some cases the Judge was stated to have openly expressed his disapprobation at the conduct of jurors, and in one instance the prosecuting counsel withdrew from the prosecution, seeing that justice could not be obtained. At Limerick, a keeper of the Limerick Lunatic Asylum was indicted for the manslaughter of a lunatic. This man was acquitted, but the Judge refused to make an order for the prisoner's release until he should hear from the Counsel for the Crown that no other charge was to be preferred against him, adding that he had not the least hesitation in pronouncing his entire dissatisfaction with the verdict. In another case, the Judge said that if the jury believed certain evidence, he should direct them to convict the prisoner—adding

"He was obliged to give this direction plainly to them, because during the present assizes verdicts had been returned by juries which quite amazed him, and which were, in some instances, in direct opposition to the evidence."

Nevertheless, the jury could not agree; and the Judge said he would discharge this jury and have another sworn to try the prisoner in the morning; and he would, in so doing, impose the obligation on the Crown that they should see that no friends or relatives of the prisoner were empanelled. On the following morning the prisoner pleaded guilty, and the Judge, in passing sentence, said that the jury sworn the day before to try the case had forgotten the obligation of their oaths and acted corruptly. If these statements were correct, contempt would be thrown upon the very idea of a Court of Justice, and it was most undesirable that justice should be made ridiculous in Ireland. It might be said that the new Act was only on its trial, and that time would cure many of these defects. But this appeared to him to be impossible; because, as the Act had led to the introduction on juries of persons who, from ignorance or incapacity, were incapable of discharging the duty of a juror, it appeared to him that, short of an alteration in the law itself, nothing could bring about an improvement. The working of the Act had produced a very grave state of things, because by means of it the administration of justice in the Criminal Courts was almost paralyzed throughout a large portion of Ireland. He begged, therefore, to ask, Whether Her Majesty's Government has any information as to the truth or otherwise of the statements made in respect of the occurrences at the Clare Assizes; also, whether Her Majesty's Government propose to introduce during the present Session of Parliament a Bill to amend the Juries Act (Ireland) 1871?

LORD O'HAGAN said, the Notice given by the noble Earl was a very reasonable one, because the subject itself was a very important one, and the statements made with respect to the working of the new Act ought to be investigated, but he could only answer as to the particular case placed upon the Paper, but he hoped that when he had answered the Question of which the noble Earl had given Notice he should be allowed to say a few words on the principle and the provisions of the Act itself, as it had been subjected to such hostile criticism. He thought, however, he had reason to complain that the noble Earl, travelling beyond his Notice, had referred to circumstances alleged to have occurred at other assizes than those of the county of Clare, and had asked for an explanation of those as well as of the circumstances referred to in his Notice.

THE EARL OF LIMERICK said, that several days ago he sent to a Member of the Government Notice that he would refer to those other circumstances.

LORD O'HAGAN said, that he had unfortunately not arrived in time to receive intimation of the noble Earl's enlarged Notice; but as the statement with reference to the Clare Assizes had already been made in the other House of Parliament, the Irish Government had been able to make inquiry on the subject. The way in which the charges contained in the statements were put forward showed a good deal of exaggeration on the part of those who made them. Their Lordships had heard the statements, and he would now read to them the explanation of the alleged occurrences addressed to the Under Secretary to the Lord Lieutenant from the Crown Office at Ennis—

"Crown Office, Ennis, 24th of February, 1873.

"Dear Sir—I have to acknowledge the receipt of your letter of the 22nd instant, and, in reply, beg to inform you that, in calling over the long panel, in one instance one juror answered for another and was sworn, and when it became necessary, on the close of the trial, to return the verdict and sign the issue paper, it was discovered that the juror could neither read nor write, and the second juror on the issue paper had to sign it as foreman. In another case a juror, when called, answered, and on coming to the book to be sworn it was ascertained he could not speak English, and he was directed to stand by. In some instances when jurors were called it was said that they appeared, whereas, on repeating the call, it was found that they did not. There may have been other illiterate persons on the panel, comprising 234 names, but they did not come under my notice in Court.

"I have the honour to be, Sir,
"Yours very truly,
"GEO. SAMPSON.
"Thos. H. Bourke, Esq."

Their Lordships would see that the "many who could not speak the English language" reduced themselves to one, and that the "numbers who could neither read not write" turned out to be one also. The Act of Parliament provided for the case of persons who could not speak the English language—they were to be set aside—and the one person who was found to be in that position at the Ennis Assizes was directed to stand aside. The "statements" appeared to be like the old story of the three black crows; but although these statements were much exaggerated, neither he nor the Government undervalued the importance of the matter; and accordingly directions had been given by the Irish Government for searching inquiries in every county of Ireland with the view of obtaining authentic information as to the working of the Act in order that they might take such action as might seem necessary. Having said so much of the county of Clare, he must decline to follow the noble Earl into the county of Limerick; but he thought it right to say information had reached him that though gentlemen of considerable station had been called on to serve as jurors, they did not answer to their names. One of the objects his hon. and learned Friend the Attorney General for England sought to carry out by the Jury Bill he had now before the House of Commons was to have a mixture of the higher with the lower classes on juries. That would be desirable in Ireland as well as in this country; but it could not be effected if gentlemen would not come forward to serve. He would have said no more, but he thought it due to the Government and to the administration of justice in Ireland that something should be said in reference to the measure with reference to which these questions had arisen; and as he was the person who had introduced the Bill on behalf of the Government, he thought it only becoming that he should rectify some mistakes as to the construction of the Act, calculated more or less to bring the administration of justice into contempt. The condition of things in Ireland when the present Administration came into office made it requisite that something should be done with respect to juries in that country. It was unsatisfactory in the last degree, and yet he was sorry to say it had existed for some 20 years before that time. Economic and political changes in Ireland had made an alteration of the system on which juries were empanelled very desirable. Forty or fifty years ago, the persons who were eligible to serve as jurors were leaseholders or freeholders. In course of time, the list of leaseholders dwindled very considerably, and in fact almost cease to exist, so that the class who had formerly furnished jurors really became extinct. There were rated occupiers in abundance; but as they held only from year to year they were ineligible for serving on juries. The consequence was, that there was scarcely a county in Ireland in which a really legal panel could be constituted, and objections were constantly taken to the way in which it was made up. Owing to the want of qualified jurors among members of the rate-paying classes and to other circumstances, the sub-sheriffs had in their own hands the power of making the panel pretty much as they wished it to be; and this power was exercised, he would not say generally, but at all events in a sufficient number of instances, in such a manner as to shake the confidence of the people in the administration of justice. From 1850 down to 1871 every sucessive Government tried to do something to alter the Irish juries system, and no fewer than nine Bills, all of which proved failures, had been introduced with the view of remedying a recognized evil. The evil had become so intolerable that the present Government felt bound to intervene. When the present Act was prepared its provisions were very carefully considered, and three persons of competent qualifications were engaged in its preparation—a Queen's Counsel, and a junior of the Irish Bar, and a statistician to whom the Government were much indebted. The objects kept in view were two—first, to secure in Ireland perfectly impartial juries, who should not be chosen or controlled by any party or faction; and next, to save men of business from a grievance which was felt in England also—that of having to serve too often on juries. The main provisions of the Bill were prepared in accordance with the recommendations of a Committee which sat many years ago, and was one of the strongest Committees ever nominated by the House of Commons, numbering as it did among its members Sir James Graham, Mr. Bright, the late Lord Mayo, Lord Lisgar, and other eminent Members. That Committee was in favour of a rating qualification for jurors. One of the objects of the Act of 1871 was to secure that and to have the jury empanelled by rotation. The system of rotation was the one which had been in use in Scotland since the 6th of George IV., and the Attorney General proposed to introduce the same system by means of a ballot. In 1858 his right hon. Friend the Lord Chief Justice of the Queen's Bench in Ireland, Mr. Justice Whiteside, and the late Lord Mayo introduced a Bill founded on the same principle, and when speaking in reference to that Bill the right hon. Gentleman said—

> "It made partial juries impossible, converted the Sheriff from a judicial to a Ministerial officer, and compelled him to go through the book in regular order, giving gentlemen who had served a certificate to that effect, and not calling upon them again till others had taken share of duty."—[3 *Hansard*, cl., 2285.]

In the various Bills which had preceded the Act of 1871 the qualification proposed for a special juror was from £50 to £60, and that for a common juror from £20 to £30. When the Bill of 1871 was being prepared, the Government took £30 as the qualification for a common juror and £100 as that for a special juror. He (Lord O'Hagan) introduced the Bill in their Lordships' House. Ample time was given for its consideration—two or three months; but no objection was made to the qualification until the Chamber of Commerce in Dublin made a representation to the effect that the Bill would not work in the county and the county of the city of Dublin, nor in other counties, unless the £100 qualification for special jurors were reduced to £50. In consequence of that representation the proposed reduction was made; but after the Bill got to the House of Commons, the Committee, at the instigation of some Irish Members, made a considerable reduction in the qualification for common jurors. It might be thought that reduction in the qualification had been carried too far—he did not say it was so—but as the Government were responsible for the preparation of the Bill, they did not think that a full and searching inquiry on that point ought to be refused. In *The Times* the other day he read that in England, within some four or five years, they had had three separate Acts to regulate the constitution of English juries, and that there had been four Select Committees of the House of Commons to consider those successive Acts. It would, therefore, have been a marvellous thing if they in Ireland had been able all at once to reach perfection in framing a Juries Act under the circumstances he had mentioned. He could only say, on the part of the Government, that they were prepared to use, and were already using, every means in their power to obtain sound and accurate information as to the working of that Act, and as soon as that information had been obtained in the course of the present Assizes, it would be the duty of those charged with that particular part of the administration to see whether any amendment of the Act was necessary, and, if so, to effect that amendment as promptly and as completely as possible. He believed that however much the details might require to be modified, it would be perfectly possible, upon the same principles as those on which the present Act was founded, to secure for the administration of justice the services of an intelligent and independent body of jurors, who would be free alike from the dominion of prejudice and from the taint of corruption.

THE MARQUESS OF CLANRICARDE urged that before Parliament rose some Bill ought to be introduced, even if it were only to suspend the present Act for a time, because the present state of things called imperatively for an immediate alteration in the mode of empanelling juries. In illustration of the existing system the noble Marquess mentioned, among other cases, one in which five jurymen, who had sat upon an Irish trial, waited the next morning upon the Judge to tell him that they had not at all intended to bring in the verdict which their foreman had returned.

House adjourned at half past Six o'clock,
'till To-morrow, half past
Ten o'clock.

HOUSE OF COMMONS,

Thursday, 6*th March*, 1873.

MINUTES.]—PUBLIC BILLS—*Second Reading*—University Education (Ireland) [55], *adjourned debate resumed and further adjourned.*
Considered as amended—Custody of Infants* [67].
Third Reading—Cove Chapel, Tiverton, Marriages Legalization * [86], and *passed.*

UNIVERSITY EDUCATION (IRELAND) BILL.—NOTICE.

LORD GEORGE HAMILTON gave Notice that, in the event of the University Education (Ireland) Bill passing through the various Amendments with which it was now threatened, and also through the ordeal of a second reading, and of its arriving at the Notice placed upon the Paper by the right hon. Member for East Sussex (Mr. Dodson), of his intention to move that it be referred to a Select Committee; and in the event of the Government thinking fit to persevere with the measure, he should move that the University Tests Bill, introduced by the hon. Member for Brighton (Mr. Fawcett), should be referred to the same Committee.

IRISH FISHERY LOANS.—QUESTION.

MR. H. A. HERBERT asked the Chief Secretary for Ireland, Whether he has any objection to state when he proposes to introduce a Bill to give effect to the recommendation of the Inspectors of Irish Fisheries with regard to loans?

THE MARQUESS OF HARTINGTON said, in reply, that so far as loans from the Consolidated Fund were concerned, the Government had no intention to introduce any Bill to carry out the recommendation of the Inspectors of Irish Fisheries. He had, however, had prepared a draft of a Bill, authorizing a certain portion of the Reproductive Loan Fund to be appropriated to that object. This was now under the consideration of the Treasury, but he was unable to say when the Bill would be brought in.

FISHER LADS—GREAT GRIMSBY.
QUESTION.

MR. SEELY asked the Secretary of State for the Home Department, Whether his attention has been called to a statement in the "Lincolnshire Chronicle" of 31st January, that 500 fisher lads are annually sent to prison by the Grimsby magistrates, many of them having been brought down from the London workhouses and apprenticed to the smackowners, whether they like the work of fishing or not; to a further statement in the "Stamford Mercury" of 21st February, that the

> "Chain-gang system is still in full operation, a number of lads being every week brought from Grimsby, for trivial offences, chained six or seven together like dogs, and thus driven through the streets of Lincoln;"

To a further statement in the "Grimsby Herald" of 15th February, that the lads are in many instances cruelly treated, and tell the magistrates that "they prefer the treadmill at Lincoln to the deck of their vessel;" and, whether he will institute an inquiry into these allegations?

Mr. BRUCE said, in reply, that he had communicated with the magistrates of Great Grimsby as well as with the Local Government Board on this subject: and he had received the following information:—Great Grimsby is one of the most important fishing stations upon the Eastern Coast, and in the fishing trade from that port about 2,000 boys are employed, some, but not the larger part, of whom come from the pauper schools. The justices had informed him that no parish boy was ever apprenticed on a smack until he had had a trial of the work, after which he was taken before the magistrates and asked if he was willing to serve or not, and it was only in the event of his being willing to serve that he was apprenticed, and entered upon his duties. The number of boys charged before the magistrates in the year ending the 1st February, 1873, with absenting themselves from work was 253. Of these 100 were discharged with a reprimand. Of the 153 sent to prison, more than 60 were charged with other offences; such as assault and doing wilful damage. As to the boys being driven chained six or seven together like dogs through the streets of Lincoln, he was informed by the magistrates that the prisoners from Great Grimsby were sent by rail to Lincoln, a distance of 45 miles. The distance from the railway station to the gaol was about a mile, and when a number of prisoners were sent together in charge of one or two constables it was the custom to connect their handcuffs together by a light chain which weighed 2¾lbs. and was 5 feet in length. This practice was in existence now, he was sorry to hear, because he thought that it was a practice that should only be adopted in cases of great necessity, and he was glad to hear that the arrangement for the future would be to convey the prisoners in proper prison vans. The Holborn Guardians, who had sent a considerable number of these boys to Great Grimsby, on hearing the reports sent down their clerk to make inquiries into the facts. He saw all the lads from their union who were not actually at sea, and also those who employed them. His report was was favourable as to the treatment of the boys. Other guardians were of opinion that the boys were well treated. The Local Government Board would make full inquiries into the whole matter as to the treatment of the boys, and as to whether the securities provided by the law were adopted. From evidence which he had received he had no doubt that the majority of the boys were well treated, but that in some cases they were treated with severity and cruelty. He would add that his hon. Friend would see that though the reports which had appeared in the local newspapers were grossly exaggerated, yet that there was quite sufficient foundation for making complaints; and he hoped that the inquiry which would be instituted would provide a remedy for the grievance.

FRANCE—THE COMMERCIAL TREATY.

QUESTION.

Mr. BOWRING asked the Under Secretary of State for Foreign Affairs, Whether he is aware of the discrepancy between the English and French versions of Article 14 of the new Treaty of Commerce with France, relating to the ad valorem Duties chargeable upon goods warehoused in France previous to their admission to consumption; and, whether Her Majesty's Government will take steps, prior to the ratification of the Treaty, to prevent any risk of eventual misunderstanding on the subject?

Viscount ENFIELD: Sir, the 14th Article of the Treaty corresponds with the 5th Article of the Supplementary Treaty of October 12, 1860, in which the same words are used in the French, "*admission effective*," there translated "actual entry." This was the translation given in the 14th Article when first prepared; but on the Article being submitted to the Board of Customs that Department suggested the substitution of the word "importation" for "entry." I am further informed that no misunderstanding can arise, as the practice under the Treaty of 1860 is well understood and will be continued.

ARMY—THE NEW PAY REGULATIONS.

QUESTION.

LORD EUSTACE CECIL asked the Secretary of State for War, Whether, in consequence of the misunderstanding which now exists upon the subject, he is able to state that neither non-commissioned officer nor soldier in the Guards or Line will suffer any pecuniary loss by the new regulations with regard to the shilling a-day pay and a free ration to be issued to the troops under a forthcoming Royal Warrant?

MR. CARDWELL: Sir, the question can only arise in the case of the more highly-paid services—that is, other than the infantry of the Line—and almost exclusively in the case of re-engaged men. It has always been intended, in preparing the Royal Warrant, to make special arrangements in such cases, by which neither non-commissioned officer nor soldier shall incur any pecuniary loss.

ARMY — GRATUITIES — ARMY CIRCULARS 1870-1872.—QUESTION.

MAJOR ARBUTHNOT asked the Secretary of State for War, Whether all well conducted soldiers who have taken their discharge, or who have joined the Reserve or Auxiliary Forces, have received the gratuities to which they have become entitled under Army Circulars of 1870 and 1872, from the fund accruing from fines for drunkenness; and, if so, whether any plan has been decided on for the disposal of the sum of £45,852 12*s.* 2*d.*, being the balance of the total amount of £53,256 2*s.* 5*d.*, levied between July 1869, and August 1872; and, whether he will endeavour to make such arrangements for the future as will prevent the sum derivable from this source attaining such large proportions?

MR. CARDWELL: Sir, a Committee was appointed in 1870 "to consider the mode of appropriating for the benefit of the Army the money stopped from soldiers as fines for drunkenness." The fund has been distributed in conformity with their recommendation, but the disbursements have not been so great as the Committee anticipated; and a short time ago, finding this to have been the case, I referred the subject for further consideration to the Financial Secretary with the assistance of the Military Secretary and the Deputy Adjutant General.

MERCHANT SEAMEN'S ACT—THE SHIP "PERU."—QUESTION.

MR. HAMBRO asked the Secretary of State for the Home Department, Whether it is a fact that fifteen seamen belonging to the late steamship "Peru" are now undergoing in Dorchester Castle a sentence of twelve weeks' imprisonment with hard labour for refusing to go to sea in that ship; whether it is a fact that that ship foundered at sea two days after leaving Portland Harbour; and, if the facts are as alleged, he will take the proper means for relieving these men from any further punishment in consequence of the sentence inflicted on them?

MR. BRUCE, in reply, said, it was true that 15 sailors were sentenced to 12 weeks' imprisonment for not fulfilling their contract to go to sea in the ship *Peru*, but it was not true that she foundered two days after she left Portland Harbour. The facts were these—the *Peru* was not a steamer, but a sailing vessel, American built. She went to Cardiff for the purpose of getting a cargo of coals, and while there she was put into the graving dock and thoroughly overhauled; she was, in the words of the owners of the ship, "stripped of old metal, thoroughly caulked, and put in perfect seagoing condition." They had further informed him that her cargo consisted of 2,060 tons of coals, and was less than the tonnage she was entitled to carry. The vessel left Cardiff with 29 hands on the 4th of December. She met with very adverse winds, which occasionally rose to a hurricane, and she lost several of her sails, and put into Portland Harbour to be refitted. While she was in Portland Harbour, where she remained till the 29th, these men refused to continue to work. He had carefully read the depositions, and he found that although two or three of these men asserted that the ship was unseaworthy, the evidence at the trial went to prove that the sailors found fault not with the ship, but with the mate. Under these circumstances the magistrates were satisfied that the men were not justified in refusing to work in the ship, and they committed them to prison. The vessel was refitted, new sails having been sent from Liverpool, and she started on her voyage on the 29th December. When two days from Portland Roads, a ship called the *Empire* crossed her bows, there was a slight collision, but the captain was of opinion that the vessel was not materially damaged, and accordingly she proceeded on her voyage. In the Bay of Biscay she met again very adverse winds, which constantly rose to a hurricane—so that the captain, an experienced seaman, said that for a period of 19 years he had never known such continuous bad weather. On the 18th of January, when about 50 miles from the coast of Spain, the crew were obliged to take to the pumps. On the 22nd they left the ship, and were all saved except three, who persisted in continuing in a boat which had taken on board the other sailors, and was towed by the ship. There was no other loss of life than that. From the facts, he was not satisfied that the men believed in the plea they put forward as to the vessel being unseaworthy. He thought that that was a dishonest plea, and that the circumstances under which the loss took place might have caused a similar disaster to any ship. It did not appear to him from these facts that the magistrates were wrong in their decision, and consequently he did not intend to interfere with it.

Sir JOHN PAKINGTON inquired whether it was known if any of these men who were in prison refused to go to sea upon the ground that the amount of cargo in her was excessive?

Mr. BRUCE: There was no statement of the sort, nor could he gather from the cross-examination of the witnesses that that had been put forward.

Mr. HAMBRO said, he found by Lloyd's List that the ship was in collision between Cardiff and Portland?

Mr. BRUCE said, that was not so; the collision took place two days after leaving Portland.

NAVY—POST OFFICE ORDERS.

QUESTION.

Sir JOHN HAY asked the First Lord of the Admiralty, If it is proposed to make an arrangement with the Postmaster General to enable officers and men serving in Her Majesty's ships to obtain Post Office Orders from the Paymasters so as further to facilitate the means of remittance?

Mr. GOSCHEN said, in reply, that considerable facilities had been given to officers and men serving in the Navy by arrangements made last September to make remittances, but the Admiralty and the Post Office were perfectly ready to make arrangements by which officers and men would be enabled to remit money through the Post Office more frequently, if they chose. The Post Office, however, were not disposed to give money orders to paymasters for the purpose of distribution among the men.

UNIVERSITY EDUCATION (IRELAND) BILL—THE SELECT COMMITTEE.

QUESTION.

Mr. MITCHELL HENRY asked the Right honourable Member for East Sussex, Whether he proposes that the Select Committee to which he desires to refer the University Education (Ireland) Bill shall take evidence?

Mr. DODSON, in reply, said, his object in proposing a Select Committee was that it should go through the clauses of the Bill. Of course, it would be open to the Committee when it met, if it should be of opinion that it was desirable to take evidence, to apply to the House for power to do so.

Colonel STUART KNOX said, that, in the event of the Motion of the right hon. Member for East Sussex being proceeded with, he would move the addition of the following words:—"And that the Committee do consist of 15 members to be nominated by the Committee of Selection."

RAILWAY AND CANAL TRAFFIC BILL.

QUESTION.

Sir HERBERT CROFT asked the President of the Board of Trade, Whether he intends to propose new Clauses in Committee on the Railway and Canal Traffic Bill, to give powers to the Commissioners proposed to be established thereby to enforce the Reports of Railway Inspectors of the Board of Trade, and also to compel the placing of lights in all Railway carriages on all lines with tunnels, both by day and night?

Mr. CHICHESTER FORTESCUE, in reply, said, that he had no intention of proposing any such clauses. The fact was that the Bill was a Traffic Bill in the proper sense of the word, founded upon the Report of the Joint Committee of last year. The powers which the Board of Trade now possessed with respect to providing for the safety and comfort of passengers, were not to be transferred to the Commissioners by the Bill, and he did not propose that there should be any legislation upon the subject of the safety and comfort of passengers by this Bill. As he had already said, the measure was founded upon the Report of the Committee, and it never was the intention of the Joint Committee of last year or of the Government to make this present Bill other than a Traffic Bill.

MERCHANT SHIPPING CODE BILL.

QUESTION.

Mr. CORRANCE asked the President of the Board of Trade, Whether it is intended to bring in or proceed with any measure to amend the Law relating to Merchant Shipping during the present Session of Parliament?

Mr. CHICHESTER FORTESCUE, in reply, said, that he certainly did not intend to introduce this Session the Merchant Shipping Code Bill, which he found had been prepared by the Board of Trade when first he went there; and the main reason was that he found a horror entertained by all parties interested in this subject of dealing with a Bill of such size and complexity either before the House or in a Select Committee to which he had been assured that it must necessarily be referred. Matters being in this position, he had made up his mind not to bring in the Bill as a whole. He was not quite sure that the hon. Members understood the nature of that Bill. The measure was mainly a consolidation of Commercial Law, but including a great number of minute and detailed amendments, the amount of new legislation of any important character being very limited. There were portions of the Bill, however, which he hoped to be able to deal with in the present Session, and especially that portion which related to the Passenger Laws, a subject upon which the Government were now in correspondence with the United States Government.

UNIVERSITY EDUCATION (IRELAND) BILL—[Bill 55.]

(*Mr. Gladstone, The Marquess of Hartington.*)

SECOND READING. ADJOURNED DEBATE.

[SECOND NIGHT.]

Order read, for resuming Adjourned Debate on Amendment proposed to Question [3rd March], "That the Bill be now read a second time;" and which Amendment was,

To leave out from the word "That" to the end of the Question, in order to add the words "this House, while ready to assist Her Majesty's Government in passing a measure 'for the advancement of learning in Ireland,' regrets that Her Majesty's Government, previously to inviting the House to read this Bill a second time, have not felt it to be their duty to state to the House the names of the twenty-eight persons who it is proposed shall at first constitute the ordinary members of the Council," — (*Mr. Bourke,*)

—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

Mr. HORSMAN: Sir, The interval which has elapsed since this Bill was introduced has not been more than sufficient to enable us thoroughly to understand it and to realize the difficulties and perplexities of our position and the course which our duty enjoins us to take upon it. No one could listen to the speech in which it was introduced without feeling that in its design it was a large and bold and generous measure, conceived in a spirit of sincerity and disinterestedness, and brought forward with an unmistakable and an enthusiastic desire to remedy what the Minister really believed to be a grievance. But these considerations, although they must insure a favourable reception to the speech, would not have insured a favourable reception to such a measure. The measure owed its favourable reception to the assurance of the Minister — his strong and repeated assurance—that it would be a settlement of the question; that it would terminate a painful controversy, and give educational peace to Ireland. Sir, that was a result which would justify much sacrifice of individual feeling and objection. It was not pleasant to some of us, and to myself especially —and if I refer to myself I only presume to do so because I have taken a longer and more active interest in the question of mixed education in Ireland than any other Member of the House—it was not a pleasant prospect to me to have to support a measure which aimed a deadly blow at that system and substituted the denominational system in its place. On more than one occasion, both in an official and private character, I have had to defend the mixed system of education when endangered by attack in Parliament. I believe it to be the greatest blessing that the British Legislature ever conferred on Ireland. But then the Minister at the outset candidly explained that the clauses which disturbed that system were not essential to the Bill. I appreciated the conciliatory spirit of that announcement, and I acquiesced in the belief, I may say in the assured certainty, that we should efface those clauses in Committee. And we could not disregard the fact that three Cabinets in succession have admitted the Roman Catholic grievance on education, and have attempted to legislate on it in the direction of this Bill. I have resisted all these attempts, coming from either side of the House. I do not admit for one moment that the Roman Catholics of Ireland have any educational grievance which will not be removed by the abolition of tests. By the Roman Catholics of Ireland I mean the laity of Ireland as distinguished from the priests; because, before I sit down, I think I shall be able to show that this is a priest's question, and not a layman's question, and that the contest in Ireland is really between the layman and the priest. But whatever might be my individual opinion, I could not deny that Parliament was committed by the pledges of its distinguished Leaders; and, unfortunate as those pledges in my opinion were, still they ought, if possible, to be redeemed. And I know from my long experience of Irish legislation that when the two front benches once embark in a race of concessions to so-called "popular demands," they are apt to be carried very far out to sea, and no one can tell into what haven they may be driven at last. We on this side of the House have been lately taunted with the failure of our Church and Land Acts to give the contentment that was promised. I admit the failure to some extent, and I attribute it entirely to the unsettlement of the educational question. I believe that it is the new hopes that have been raised and the new demands encouraged by the unsettlement of education which have retarded the tranquillizing effects of previous legislation. For these reasons I was ready by a timely compromise to save the mixed system of education, that it might go on, preserved from the inevitable dangers which seemed to threaten it from the rivalry of Leaders in what they themselves delicately describe as "measures of conciliation," but which vulgarly construed are taken to mean piscatorial efforts to catch the Irish vote. I was, therefore, ready to accept the Bill, but only because I believed what the Minister told me, that it would be a settlement of the question. By the term "settlement" I did not believe the First Minister intended to convey that it would be accepted by the Roman Catholics in full settlement of all demands; but I did believe that they would accept it as a benefit so far as it goes—that they would recognize its friendly spirit, would avail themselves of the advantages it offers, would affiliate their Colleges, assist the formation of the Governing Body, and do their best to make the new University popular and serviceable to the students. Did the Government expect all that, or did they not? If not, I can only say the speech of the First Minister was one of the most unjustifiable speeches ever made by a man in his position. But he did expect it. Any other supposition would be at variance with our high estimate of his honour. He must have expected it, and we know he did expect it. Sir, he has been deceived. At the end of a fortnight that promised settlement has been blown to the winds, blasted by the resolutions of the Roman Catholic Prelates in Dublin last Friday. In terms by no means gracious, and which seem to me to savour somewhat of ingratitude towards the Minister who has done his very best to serve them, they cast his own words in his teeth, and they forthwith publish their resolutions conveying to the House of Commons as distinctly as language can convey that the Minister has been deluding himself, and has been deluding us, and that the Cabinet, if I may use a homely expression, has been living, upon this question of "settlement," in a fool's paradise. "Settlement?" they say. "There is no settlement. There will be no settlement. There can be, there shall be no settlement, no cessation of agitation, and no peace"—and my hon. Friend the Member for Tralee (The O'Donoghue) in his own vigorous language echoes their declaration—"no cessation of agitation and no peace until every jot and tittle of our demands has been conceded." Now, that entirely changes the situation. It entirely changes the position of the Government towards the House of Commons. And they cannot ride off on having told us they had no official communications with the Roman Catholic Prelates. I think it is a pity they did not follow in the footsteps of Sir George Grey and Lord Mayo, whose communications with the Roman Catholic Prelates were open and above board, and who treated this House with a frankness which the present Ministry seem to feel they can dispense with. Sir, I am sorry there were not these open communications with the Roman Catholic Prelates. But no one can read this Bill without seeing in every clause evidence of confidential communications and understandings. Those restricting and "gagging clauses," as they have been termed, were not the handiwork of any Protestant draftsman. The Bill bears internal evidence throughout of joint workmanship; and it was this joint workmanship which justified the First Minister in believing and saying that the Bill would be a settlement of the question in so far as it would take the sting out of any future agitation and make it harmless. But at the end of a fortnight we find there is no settlement; but, on the contrary, a greater unsettlement than ever. Then, why do not the Government withdraw their Bill? It has hitherto been a rule in legislation that there shall be no great disturbance of the existing state of things, unless the change is asked for by some class of the community and benefits some class. Now, who asks for this Bill? Who accepts it? Who is benefited by it? It pleases nobody. It settles nothing. It unsettles everything and everybody, except, indeed, the solitary champion of the Government on Monday night — the hon. and learned Member for Denbighshire (Mr. Osborne Morgan), who had the ingenuity to discover that the Bill was a compromise. Now, I have heard various imaginary virtues ascribed to the Bill by those who are about and near the Government; but the very last terms which at this moment I should have expected to hear applied to it, and by an acute lawyer, was that of "compromise." Why, nobody knows better than my hon. and learned Friend that to a compromise there must be two parties, as there must be two parties to a bargain. Who are the two parties in this case? The Protestants are not a party. They have no grievance. They want nothing; they ask for nothing, except to be left alone. Their only grievance has been created by this Bill. Episcopalians, Presbyterians, Wesleyans, all tell you they are satisfied with the present state of things. It is working well and doing good, and there is nothing they complain of except your own foolish and mischievous disturbance. Then, if nobody in Ireland wants the Bill, does anybody want it on this side of the Channel? Is it wanted by the Liberal party? Why, I believe the whole Liberal party, with one consent, have been shaking in their shoes ever since the Bill has been brought in. Then cross over to the other side of the House. Have you the consolation—and it was a very poor consolation—which you had in the case of your English Education Bill, when, throwing over your friends, you were rewarded by the blandishments of your opponents? You have bribed Trinity College very high, and if any occupant of the Treasury Bench at the dissolution with which we are to-day threatened were to attempt bribery on so bold and extravagant a scale to win a seat as you have offered to Trinity College to buy off opposition to this Bill, he would hardly escape being handed over to the tender mercies of the Attorney General. But the Members for the University are men of Spartan virtue, and when they help to enliven this debate, I think you will find their voices will swell that chorus of condemnation which is unparalleled in the history of the legislation of this country. The Bill was brought in for one purpose, and one only—to settle a Roman Catholic grievance; but you cannot force a compromise on the Roman Catholics against their consent, and they, withholding their consent, tell you that upon this question compromise is absolutely impossible. Then the situation, since the Bill was introduced with those assurances of a settlement which captivated us all, is completely changed; so much so that it was with feelings of great relief and satisfaction that on Monday last I saw the Prime Minister rise in his place to make a speech in moving the second reading. I did not anticipate that his object was to answer a speech from the other side of the House which had not been made, and to demolish an Amendment which had not been moved. I thought he was going to explain the new aspect of affairs, and that he was about to say—"I have an explanation to make to the House. When I introduced this Bill I led the House to believe that it was to be a settlement. That was my sincere belief, and the belief of my Colleagues, until Friday last; but on Friday last, at the meeting of the Roman Catholic Prelates, the Government met with a mishap. We expected that the Prelates would bless our Bill, instead of which they cursed it unanimously and altogether." I thought he would have continued—"I and my Colleagues have taken that untoward event into our most serious consideration, and I have not lost a moment in coming down to express to the House our regret at having unintentionally misled it, and in throwing ourselves on its indulgence, and asking permission to withdraw the Bill." That is a speech which would have been received with cheers by many hon. Members on this side of the House, to whom it would have been a relief from something—I hope to be excused for saying it—very like a rope they have felt about their necks. A meeting of the party would probably have been held next day, and a Vote of Confidence, not of continued, but of increased confidence, would have been carried by acclamation, and it would have been forwarded to the Government with a request that, whatever might happen, Ministers would stick to their posts. That would have been an agreeable termination to what had the appearance of an ugly business. But the Government have not taken that judicious course. They have determined to proceed with the Bill, and we have now to ask ourselves on this side of the House, as men of common sense—What is the justification for proceeding with it? Is there any Parliamentary precedent for proceeding with a measure so universally condemned? I do not think it quite respectful to the House; I am sure it is not fair to the party. What, are we to be told that *sic volo sic jubeo* is the motto of the Minister, and that the Liberal party, if it presumes not to like it, is to have this Bill thrust down its throat with the alternative of a Vote of Confidence or an appeal to the country? It is evident that if we are to go on we proceed, not on the merits of the Bill, but on a Vote of Confidence in the Government. But is that a fair—is it a prudent course? A Vote of Confidence in the present Government on the question of Irish Education! Does the Government really believe that there is an English or a Scotch Member in the House capable of the hypocrisy of saying that he has ever felt that confidence? Is it possible that the Cabinet is composed of the only men in this House who do not know that on the question of Irish Education they stand in a very different relation to their party and to the country from what they did on the questions of the Irish Church and Irish Land? On those questions they were doing the work of the Liberal party, and not undoing it. On those questions they were going forward with their party, and not asking their party to walk backwards with them. Those two questions had been agitated, debated, legislated on for half a century. The party thoroughly understood them, its mind was made up about them, and it followed the Ministry as one man, with the constituencies at its back. But on the question of Irish education the case is very different. It is no secret—we do not mind the other side of the House knowing it—that on the question of Irish education there has not been that complete sympathy and accord between the party and its Leaders that there has been on other questions. On the contrary, ever since the Government was formed, and the tendencies of the Ministerial mind on Irish education were known, there has been a feeling of uneasiness and increasing misgiving. I believe the party universally condemned that speech in Lancashire in which the Prime Minister classed Irish education with the Church and the Land questions as grievances to be redressed. I believe the party does not endorse that exaggerated description of the Roman Catholic grievances which we heard from the Prime Minister on introducing the Bill. And yet we are told that a Vote of Confidence in the present Government on Irish Education is the alternative of an appeal to the country. Why, Sir, the cool effrontery of such a proposal is worthy of a cartoon in *Punch*. Let me tell my Friends on this side of the House what such a Vote of Confidence will mean. If this Bill should pass into Committee, and have its clauses discussed night after night, the country will come to understand it; and the more the country understands it the more it will feel that it deserves the description given of it by the hon. Member for Brighton (Mr. Fawcett), when he said that the effect of the Bill, as framed by the Government, would be to place all higher education in Ireland in the hands of the priests. When the country once understands that, a Vote of Confidence in the Government will be construed into a Vote of Confidence in Cardinal Cullen and his priests, and the supporters of the Government well know that when they are sent to their constituents upon it they will be sent to certain execution. All the speeches which were made on Monday night, no matter from what side of the House they came, combined to show that the whole question before us resolves itself into one point. Is this a really liberal measure of University reform, in accordance with the liberal traditions of this side of the House, and the national policy of freedom and progress? Is it in its spirit, its aim, its tendency, a Bill to promote the well-being of Ireland, by raising the moral and intellectual culture of the people to the highest standard? Or is it, as was contended by the hon. Member for Brighton, only a complicated and covert mode of handing over higher education to the priesthood, and insuring them in the next generation, by means of affiliated Colleges, complete command of the University? And does it bear upon its front that fatal blot that it has been framed rather with a view of conciliating the Romish Bishops than of advancing the true interests of education? I will not anticipate the answers to these questions. They will develop themselves as the discussion proceeds. The Government had two endowed systems of Irish education to deal with; they had the national system of the Queen's Colleges, and they had the denominational system of Trinity College and the Dublin University, which were part and parcel of the Established Church. As the Queen's Colleges were modern institutions, as they were the first affirmation of the principle of religious equality, as they had maintained that principle by a severe struggle against ecclesiastical hatred and hostility, and as Ministers of all parties had been faithful to them as a valuable part of the system of mixed education, I should have thought that it would have been natural for a Liberal Government either to have left them alone, or to have touched them only to give them fresh strength. But we are told that they have failed, and so are to be swept away. I use the plural because, when we come to deal with the Bill in Committee, it will be easy to show that if Galway has been a failure, Cork has been a still greater failure; and, if one must go, all should go. These Colleges were established in 1845 by Sir Robert Peel, to supplement the national system of primary education introduced by Lord Stanley in 1831, and they became an essential part of that system, and inseparably connected with it. At the beginning of the century the great legislative problem was how to deal with the misery and disaffection of Ireland. Parliamentary Committees, Royal Commissions, and leading public men both in England and Ireland concurred in saying that the only chance of redeeming Ireland from poverty, ignorance, disaffection, and crime was in a national system of education; and as every previous system had broken down, a new and mixed system, in which religious differences should be ignored and the children of Roman Catholic and Protestant parents taught in the same schools, was unanimously recommended. And that system was introduced in 1831, and became a rapid and unexampled success. In 1833, when it came into operation, the number of schools was 789; they had increased in 1845, when Sir Robert Peel established those Colleges, to 3,426; and now they are 6,914. The scholars in the year 1833 were 107,042; in 1845 they were 432,844; they are now 1,021,700. During that period there were disturbing causes by which every other source of industry and prosperity in Ireland was injured or impeded; there was famine; there was emigration; there was a falling off of the population from 8,000,000, when the system was established, to 4,500,000 at the last Census, and there was the implacable hostility of the priesthood; and yet, in spite of all, a generation and a-half have been educated in those schools, and 1,000,000 of scholars are frequenting them at this moment, while the improvement in the moral and intellectual condition of the people cannot be exaggerated. Well, Sir, in 1845, Sir Robert Peel, recognizing that success, made the mixed system the basis of his new policy—he founded the Queen's Colleges to complete and crown the system that had been so successful. We are now told the Colleges have failed. [Mr. SYNAN: Hear!] We are not told that they have failed in consequence of their unpopularity with the laity. My right hon. Friend at the head of the Government was too well informed to say that; but he implied it throughout the whole of his speech. Now, it is most essential that both the character and the cause of the alleged failure should be known. I intend before I sit down to make it known, and by such evidence that the word "failure" will never be associated with these Colleges again. [Mr. SYNAN: "Hear!"] But there are some indications behind me which suggest to me to say a few words of a personal character before I proceed. I wish the hon. Member to understand that, when I speak of these Colleges and the influences brought to bear on them, I draw a distinction between Roman Catholicism as a religion and Roman Catholicism as a policy. I have been long enough in this House and have borne part in its debates, too much to render it necessary for me to say that I never had any sympathy with the "No Popery" cry. On the question of the grant to Maynooth, of extending the Papal Aggression Bill to Ireland, and, above all, on the payment of the Irish priests, I expressed opinions and gave votes by which I provoked opposition and endangered my seat when a seat in this House was more an object of ambition than it is now; and this I did because I would not allow that any political distinction should be made between my Roman Catholic and Protestant fellow-subjects. But this distinction I draw between Roman Catholicism as a religion and Roman Catholicism as a policy—when it ceases to be a creed and becomes a statecraft, then I am justified in dealing with the aggressions of the Roman Catholic priesthood, and their denial of the supremacy of the State precisely as I would deal with those matters in the case of my own or any other priesthood. In speaking, therefore, as I shall be obliged to do of the action of the Roman Catholic Church, I hope my hon. Friends behind me will believe that I have no desire to say one word which may appear in any way hostile to their religion, or of wounding their feelings or offending them. To return to the point from which I digressed, I am now about to show the causes of the alleged failure of the Colleges, and here I may say that I was surprised the other night at the noble Marquess the Chief Secretary for Ireland finding fault with the hon. Member for Brighton (Mr. Fawcett) for discussing the question of Galway College, which, he said, was only one of the details of the Bill, and ought to be reserved for Committee. But did the noble Lord not know that this one clause about Galway College involves in reality the whole principle of the Bill so far as regards mixed education? It raises the question of mixed education, and it raises it in two ways—first, whether or not that system is to be destroyed; and, in the next place, whether or not it is to be destroyed by the action of the Roman Catholic Prelates, which they justify by disputing and disavowing the supremacy of the Crown. These Colleges, associated with the National Schools, were launched by Sir Robert Peel in 1845, apparently with the good-will of all classes and creeds in Ireland; they had been asked for by the Roman Catholic laity, they were gratefully accepted, and they promised to be a great national success and blessing. But there came a sudden change. There came a voice from Rome—a voice which cursed what native Irishmen, both lay and ecclesiastical, had combined to bless; Papal Rescripts in 1847 and 1848 were followed by the Synod of Thurles in 1850; The Colleges were excommunicated, the National Schools were placed under the ban, ecclesiastics were forbidden to take office either on the National Board or in the Colleges, and the worst terrors of the Church were suspended over the heads of those who dared to send their sons to those Colleges in spite of the interdiction of the priests. On the last occasion when the question was before the House, during the administration of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), I stated in debate that the alleged failure of the Colleges had been caused by the extreme measures taken against them by the Roman Catholic Bishops, who even refused the sacraments of the Church to the laity who frequented them. A few days afterwards an hon. Friend of mine, then Member for Galway, but no longer a Member of this House—Mr. Gregory, now Governor of Ceylon—came down to the House and, from secret information furnished to him about the proceedings of the Synod of Thurles, contradicted one by one all the statements I had made, and he denied on authority that the sacraments of the Church had ever been withheld from those who frequented the Colleges. That speech had not been read in Ireland 24 hours before I had sent to me the Pastoral of a much respected Roman Catholic Bishop, which had been issued two years before, and I was told I could have Pastorals of other Bishops if I wished for them. Now, upon this occasion, when, we must come to a right conclusion as to the causes of the failure of these Colleges, and as to the peculiar relations of the Irish priesthood to them, and when the matter must once for all be placed beyond all dispute or cavil, we must avail ourselves of all evidence which can bear materially on the question, and as the Pastoral which was sent to me had been published in the Irish papers, I need have no delicacy in reading it to the House. It is a Pastoral of Bishop Derry, and is dated Ash Wednesday, 1865. I will read that part of it which relates to education—

> "Our Most Holy Father has caused to be sent to all Bishops a list of the more remarkable errors condemned by him in the course of his glorious Pontificate. To one or two only of these errors do we mean to call attention. They relate to education; and it may be observed that no one thing appears to alarm the Holy Father more than the false principles on which it is sought to found educational systems. He sees the conspiracy that has been organized to withdraw the education of youth from the influence of the Catholic Church. He invites us all, clergy and laity, to join with him in deploring that Satanic scheme for the ruin of faith in the rising generation. Priests and Bishops, it is our duty to announce 'the grievous and intrinsic dangers' of the educational system which, upheld in defiance of the decisions of the Holy See, embodies in our own Catholic country the principles so emphatically condemned by the Pope. It is expressly enjoined on us to use our best efforts to keep youth away from Colleges of that description. Parents and guardians of young men are to understand that by accepting education in them for those under their charge they despise the warnings, entreaties, and decisions of the Head of the Church. Adhering to the discipline in force in this diocese, we once for all declare that they who are guilty of it shall not be admitted to receive the Holy Sacrament of the Eucharist, or of Penance, while they continue in their disobedience."

That was a denunciation of the Colleges. But it may be supposed that there can be a contradiction to the statement that the schools which have had such unprecedented success have also been denounced. They have not been denounced merely by what I may call individual Bishops. It is quite evident from what I am going to show that these Pastorals have very much failed in their effect. And so the denunciations of the minor Bishops having been insufficient, a Pastoral directed against the schools was issued from the highest authority, signed "Paul Cullen." A copy of which was published in *The Times* of the 3rd of September, 1869. The Pastoral says—

> "In writing to you or addressing you heretofore I have never had occasion to speak of ecclesiastical penalties; but I am now so convinced of the evils of the Model School system that I give notice to any Catholic parents who will obstinately persevere in keeping their children in the lion's den, in the midst of danger, that I feel bound to deprive them of the advantages of the sacraments of the Church until they make up their minds to act as parents anxious for the eternal salvation of their children ought to act."

Sir, I make no comment on these documents beyond asking this question—What was the necessity for all this denunciation if these Colleges were unpopular? Does it prove that these Colleges were unpopular with the Roman Catholic laity, and that they failed because the laity would not have them? If unpopular with the laity why resort to the terrors of the Church to keep them off? We do not commonly use force to deter men from doing what they are very averse to doing. Sir, if you appointed 100 Parliamentary Committees, and examined 1,000 witnesses, you could not prove so conclusively as those anathemas prove the popularity of the Colleges. Priests and Bishops could not keep the students away. They tried advice, admonition, remonstrance, rebuke, threats, penalties, denunciations—all would not do—and then, at last, they bring in the terrors of the Church, and with what result? Look at that last report just presented of the President of Galway. See how the numbers in spite of such obstacles and hindrances disprove the allegation of failure. No, Sir, the system has not failed, failure is not the word, it has been thwarted, impeded, and partially defeated, and by the hostile action of the Roman Catholic Church. The Legislature said—"We will have a State system of national education to make our population intelligent, peaceable, and loyal;" but a foreign ecclesiastical authority steps in and says—"I forbid your policy, I condemn your subjects to ignorance and disaffection;" and now we are told the Pope has beaten us and the national policy must be reversed. Why? because a foreign ecclesiastical authority arrogates to itself a right of interference with the civil Government of England which as I will show you is not known or tolerated by any other Government in Europe. The Roman Catholics of Ireland have a grievance in relation to education—a very substantial grievance—and I will tell you what it is. Their grievance is that when the State has removed all disabilities on account of religion, fresh disabilities have been imposed by their own Church. Talk of the rights of conscience! Sir, I wonder how Ministers, with their knowledge of facts, could put that phrase into the Queen's Speech. Conscience throughout all history has been the plea of persecution. What respect for the rights of conscience is shown by these priests and Prelates who refuse the sacraments of the Church to the parents of a poor student who avails himself of the education offered by the State, and which has a money value in enabling him to advance his fortunes in the world? Now, Sir, I will go to the other part of the Bill, which deals with the new University, and on which we had the advantage on Monday night of hearing the very powerful speech of the hon. Member for Brighton, and the official reply of the noble Lord the Chief Secretary for Ireland. I should have been sorry to lose those speeches. It has been said that "a good man struggling with adversity is a sight for the gods;" but, Sir, on Monday night it appeared to me that the Chief Secretary for Ireland, struggling with the speech of the hon. Member for Brighton, was not so much a spectacle for the gods as an object for the attention of the Humane Society. Not that I would by any means disparage the almost superhuman efforts of the noble Marquess to rise to the occasion. He went at it like a man, and all but crushed at the outset the hon. Member for Brighton by the stinging declaration that his *beau idéal* of a Professor for the new University would be a type of man as dissimilar as possible from the Professor of Political Economy at Cambridge. That was a tremendous blow; I wonder that the Professor of Political Economy survived it. I thought the next morning of sending over to inquire after his health. At any rate, that magnanimous and liberal declaration gave us a peep into the interior of the new University—it gave us some idea of its enlightened and liberal programme, and made us still more anxious to see the names of those choice specimens of Professorship who are to fill its enviable chairs. Then the noble Marquess, having demolished the hon. Member for Brighton, proceeded to terrify the unfortunate Member for the University of Dublin (Dr. Ball), who sat opposite to him at the moment. After expatiating upon the advantages offered to Trinity College by this Bill, the noble Marquess turned to the other side of the picture, and said—"See what you will lose by its rejection;" and, as there were some Fellows of that College probably listening to the debate, he thought they would do well to warn their constituents when they returned to Dublin that, if this Bill were rejected, the next attempt to remove the grievance would be by the disendowment of Trinity College. Sir, I must say I was sorry to hear that remark as coming from one in the high position and speaking with the authority of the noble Marquess. It may be remembered, and used long after this debate is forgotten. I do not know what was the spirit that prompted the remark. If it were intended as a threat, it was almost childish; if as a prediction, it was not wise; and if as a hint for a new agitation, it was purely mischievous. I was sorry to hear the remark for another reason—because it clearly showed what a superficial study the noble Marquess had given to the subject. He spoke of disendowment as if the disendowment of the Irish Church had been the work of only one Session, and as if the disendowment of any other institution on which a resolute Minister, with a strong majority at his back, chose to pass sentence, would be just as easy. It appeared to me that the noble Marquess had not taken the trouble to under stand the arguments or know anything of the true history or character of the disendowment of the Irish Church. He forgot that the disendowment of the Irish Church was not the result of any sudden cry or any recent agitation. Sir, that disendowment was the result of 40 years of active efforts by consistent Members of the Liberal party. [Mr. Gladstone dissented.] Who created and matured a public opinion, on the highest wave of which the Prime Minister himself was borne into office, as the reward of a conversion equally sudden and auspicious. [Mr. Gladstone dissented.] I beg the right hon. Gentleman's pardon, he will have the power of reply, and I shall take the consequence of any rejoinder he may make. Why did we on this side of the House disendow the Irish Church? Was it to please the Roman Catholic priests of Ireland? No. But because, as Englishmen and as Protestants, we were ashamed to perpetuate what we believed to be an abuse, a scandal, and a reproach. It was not the organ of destructiveness that actuated us, but the very highest principles of justice. Can anyone say that Trinity College, Dublin, is an analogous case? Trinity College is an institution full of life and usefulness. It has done good work. It is doing that good work still. The Irish nation were ashamed of their Protestant Church—they are proud of their Protestant University. In liberality it has always been in advance of the English Universities. It is progressive and ready to adapt itself to the times, and if Roman Catholics have not before this been admitted to a larger share of its advantages it is not the fault of the authorities in Dublin, but for a reason well stated in the able speech of the noble Lord the Member for Calne (Lord Edmond Fitzmaurice), and which not to the credit of the Liberal party, whose best traditions are associated with the abolition of religious tests. Sir, I expected when the noble Marquess rose the other night to answer the speech of the hon. Member for Brighton he would, at least, have devoted some portion of his remarks to those clauses of the Bill which related to the teaching of the new University. He did not do so. I should infer that he really agreed with the opinion of the majority of the House on both sides that these limitations, these exclusions of modern history and of moral and mental philosophy were not only indefensible, but absolutely ridiculous. We heard that one object of the Bill was to emancipate the University from the Colleges; we thought it was to keep up the standard of teaching by raising the Colleges to the University, and not bringing down the University to the College. But can any one read this Bill without seeing that these restrictions must lower the character of the University and lessen the value of its degrees? I really should have liked to hear from the noble Marquess how he proposed to draw a chronological distinction between ancient and modern history —such a distinction as would satisfy the consciences of Roman Catholic ecclesiastics. I wish he had told us how he proposed to advance learning by loading it with disabilities. I should have wished also to be informed how we on this side of the House were to show our liberality by deliberatizing the University. Above all, I should like to know is it a satire or a stigma on the national character to record in an Act of Parliament that the Irish are so dangerous a people that they cannot be trusted with a volume of modern history? These are academical objections to the Bill. But I have a much higher objection, an objection of principle, and it is this:—I object to make the slightest concession, direct or indirect, to the claims of the Roman Catholic hierarchy to control the education of the State. I need not remind the House of the contest that has gone on for so many ages in different countries. I need not remind them of that contest for supremacy between the Crown and the Pope which has had such an effect on the politics of Europe. I need not refer to history—look only to the Continent of Europe, and see what is even now going on there. Look at the contest between the progressive Governments and priests. On which side are the sympathies of the Liberal party? On which side ought they to be in Ireland? I asked a question the other day about a Memorial which had been presented to the Prime Minister from the Catholic Union. By the permission of the Government I moved for it as an unopposed Return, and it was distributed this morning. Lord Granard, as President of the Catholic Union, transmitted to the Government the resolutions that were passed at a meeting of the Roman Catholic Prelates held at Maynooth on the 18th of August, 1869, which have never been modified or departed from in any manner. In transmitting them he says—"The principles embodied in them are unchanged and unchangeable." What are these principles? The first resolution is as follows:—

"They reiterate their condemnation of the mixed system of education, whether primary, intermediate, or University, as grievously and and intrinsically dangerous to the faith and morals of Catholic youth; and they declare that to Catholics only, and under the supreme control of the Church in all things appertaining to faith and morals, can the teaching of Catholics be safely intrusted. . . . The Bishops call upon the clergy and laity of their respective flocks to oppose, by every constitutional means, the extension or perpetuation of the mixed system, whether by the creation of new institutions, by the maintenance of old ones, or by changing Trinity College, Dublin, into a mixed College."

It will be observed that this language is very strong, and that the power claimed by the Bishops is very large—supreme control over everything appertaining to faith and morals overriding, ignoring, and excluding the supremacy of the State. The question arises, what are "faith and morals" over which the Roman Catholic Bishops claim this exclusive jurisdiction? That question was answered by two Roman Catholic Bishops who were examined before the Royal Commission which reported last Session upon primary education. The following is part of the examination of Dr. Keane, Roman Catholic Bishop of Cloyne:—

"You have told me what they (the Bishops) do claim; I want to know what they do not claim?—Everything outside. What is outside secular and religious education?—Very little. But what at all, physical or metaphysical?—Scarcely anything beyond the multiplication table."

That you will think is as much as a Roman Catholic Bishop can claim. It is not so. You will find by comparison that this is a very liberal Bishop. The next Bishop examined does not allow the State to teach even the multiplication table. Dr. Dorrian, the Roman Catholic Bishop of Down and Connor, was asked the same question about faith and morals, and he answered—

"There are some even of the ordinary branches of education which ought not to be imparted without religious education. I can say, that even in arithmetic there might arise points of a metaphysical kind which a teacher could explain injuriously."

In these answers we see what really is the issue between the Legislature and the Roman Catholic Prelates upon the question of education—the most liberal of the two is handsome and generous enough to leave the multiplication table to the State, the other objects even to that, and claims a monopoly even of arithmetic. Dr. Keane was asked another question to which I wish to call attention; it is a growing question, which year after year will meet us in a form which we have not as yet anticipated. The following are the queries and the replies:—

"Is there, to your knowledge, any country at this moment in the world in which the Catholic Bishops have the exclusive control of education in its entirety?—They have it in England. Is there any other?—I am not aware that there is any other."

This is the ecclesiastical side of the question. In Ireland, as I have already told you, there is a layman's side, and it was stated by a Roman Catholic gentleman, Mr. J. L. Whittle, a barrister in Dublin, who was examined before the Commission on Primary Education, and who has given much attention to the subject. The question that was asked of Dr. Keane was put to Mr. Whittle, and, then his examination proceeded—

"Are you aware that the Roman Catholic Church possesses this authority which they claim here in any part of the world?—No; I do not know the existence of such a power in any country that I am at all acquainted with. Is it your opinion that there is a large and steadily increasing number of the intelligent and leading Roman Catholics whose views are not in accord with the Bishops?—Yes; the number is increasing. Would it be just or right, in your opinion, for the Government of the country to aid the Bishops in their efforts to dictate and control the education of the people?—No; certainly."

And Mr. Whittle added—

> "One of the main sources of the present agitation about education has been this, that the predominant party in the Church feel themselves losing ground all over the world, in Italy, Austria, France, and everywhere else."

Yes, Sir, while the Catholic Governments of Europe are proclaiming everywhere that the life of a nation depends on education, and are expelling the priests from that domain, what will they say in Italy and in Germany when they hear that there is a large and increasing body of the laity in Ireland struggling to emancipate themselves from the fetters of the priests, and that the English Legislature, under a Liberal Minister, throws its weight into the scale to crush the layman and exalt the priest? "Where," they would ask, "is the Liberal party in England — that renowned bulwark of freedom and example to the world? Of political tyranny we knew that they were sworn foes, but we believed that it was ecclesiastical tyranny that was the special object of their virtuous abomination. They have resisted it in the Church; they have banished it from the conventicle; they condemn it and ridicule it in the mass. How are the mighty fallen! Here we have the most advanced Government England has ever seen, the most popularly-elected party that ever sat on these benches—and how do they fulfil their mission? By banishing modern history from the schools, in deference to the requirements of Rome." I will trouble the House with one other answer given by Mr. Whittle. He concludes one part of his evidence by saying—

> "What I am anxious, and those who think with me are anxious that they (English politicians) should see is, that it would be merely giving the Irish people a thing that they do not ask for, though it is asked in their name, and which is sure to be most mischievous to them in the long run. The Parliamentary power of the Bishops at present is in certain places very marked; but it is not sufficient to control the Legislature, if the Legislature understands that it is the power of the Bishops and the clergy, and not the actual choice of the people themselves."

Now, I want the House to observe that statement of Mr. Whittle's, that the Irish people do not ask for it, but it is asked for in their name, and it is not the actual choice of the people themselves. And does not our own experience and observation bear out that statement? If this is a national movement, where is the nation? If the laity are anxious about it, where are the laity? In England or Scotland, if there were a strong national feeling, it would find expression in public meetings. Where are the public meetings in Ireland? We hear of meetings of Bishops at which the laity are conspicuous by their absence. Look at the resolutions of the Bishops. Are they affectionate exhortations to sympathizing flocks? They are denunciations, threatenings, excommunications. Is it not evident that the evil must be great and growing to require such Pastorals as those which I have read? The fact is—there is no question about it—there is war in Ireland between two classes of Roman Catholics—between the priests and a portion of the laity; and the policy of the stronger power is maintained by a war of excommunication. Keeping within the law, but going as near as possible without violating the law. The whole history of modern Irish education shows a system of persecution, as cruel and unrelenting as the worst spirit of the worst times of the persecutions of the Church. I think I have now shown three things—that the alleged failure of the Colleges has been caused solely by the hostility of the Bishops; that in that hostility they do not carry with them the sympathies of the laity; and I have further shown that the claim of the Church to control the education of the people is, by their own confession, not permitted in any other country. And now I may ask the Government what is the value of the phrase which has of late become such a favourite on the Treasury Bench — of governing Ireland according to Irish ideas. What are Irish ideas? Are they the ideas of the people, or are they the ideas of the priests persecuting and suppressing the ideas of the people? Before I pass from that part of the subject I hope the House will kindly grant me its indulgence while I refer to another point which I think is of the greatest importance. I wish the House to know what is the character of the contest which is likely to come upon us? The Roman Catholics of Ireland are divided into three parties. There are the Ultramontanes, who are the Bishops, and under a strict system of Church discipline the priests and a portion of the laity. Then there are the dissentients from Ultramontanism, the Roman Catholic gentry, the literary and professional classes, and the leading merchants and commercial men. And there are, in the third place, the great mass of the Irish population, who are divided between their old allegiance to the priests and their new sympathies with the intelligence and independence of the second class which I have named. Now, with the failure of this Bill a new state of things will arise. After it has failed the question will be so well understood by the country that I venture to predict that no future legislative effort will be made to disturb the mixed system of education in Ireland. We shall then fall back to that sound position which we ought never to have abandoned. We shall say to the Irish nation—"There are your schools and Colleges and Universities. They are national institutions, provided for all, without distinction of creed, or sect. Those who do not choose to use them must provide for themselves what they require." When this determination is made known the issue will be changed. When the Roman Catholic Prelates see that determination of the Legislature to be unalterable, and that they can no longer depend on the sympathies of their flocks, then it is not improbable that, as a last desperate effort to keep their hold on the people, they may follow the example of Archbishop M'Hale and go in for Home Rule. But it will be too late. The Irish population is no longer steeped in that degradation of ignorance and want which made it so easily deluded 30 years ago. Education has done much to raise them; material prosperity has done more, and if you will but give them fair play on education—and fair play they have never yet had — that aptitude for culture which was so well described by the Prime Minister will beat the priests in the Colleges, as it has already beaten them in the schools, and Ireland will add another instance to that of nations that have acquired fresh life by freeing themselves from the fetters of the priests. And now I must before I conclude refer to the Governing Body and the Amendment of the hon. Member for King's Lynn (Mr. Bourke). When, about a fortnight ago, the hon. Member for South-west Lancashire (Mr. A. Cross) asked the Government to lay the names of the proposed Council on the Table, I was not surprised that they were not prepared to do so, and I am not surprised now. There were great difficulties in the way, and these difficulties were greatly increased by the proceeding of the Prelates on Friday last, although I do not think that has been perceived by the Government. On Monday last the Prime Minister, in his anticipatory reply to the speech of the hon. Member for King's Lynn, told us that the Government were about to offer those appointments to the most eminent men they could find. The right hon. Gentleman gave us no less than four forms of imaginary answers which might be received from those to whom the Government might apply, all tending to show that they would naturally decline to commit themselves until they knew in what form the Bill would come out of Committee. Such were the answers which might have been given before last Friday. But I venture to say the answers now would be very different. Those eminent men will not now say, "we want to see the form in which the Bill emerges from Committee;" but they will say we want to know "what will be the relation of the Roman Catholic Bishops to the new University. Are they to declare war against it? Because as the Queen's Colleges have been excommunicated; as Trinity College, has received notice of excommunication; and even that now famous institution, Magee College, has rendered itself too notorious to escape, we want to know if your new University, to which the Roman Catholic Bishops refuse affiliation, is to be excommunicated also. And if so, where will your Professors be? It is quite evident that the new system will be a failure, and our feelings of self-respect, will not permit us to be associated with it." The question, therefore, is not who the new Council are to be, but whether the Government can get anything at all worthy of the name of Council. Or they may have another plan. They may do what they did with the National Board in Dublin. When it was first established, Roman Catholic dignitaries had a seat at the Board, and avowedly as friends of the system; but since the death of Dean Meyler, in 1864, no Roman Catholic dignitary has been allowed to take a seat upon it, and then that unfortunate charge was made, and, I regret to say, by a Liberal Administration, which has destroyed the Board. Instead of having Commissioners who were friends of the system it became a rule that the Board should consist of an equal number of Protestants and Roman Catholics, thus introducing those religious differences which it was the principle of the system to ignore, and Commissioners are now selected not for their educational, but for their religious recommendations, and gentlemen of high standing now feel it consistent with their sense of honour and duty to sit on that Board, to administer a system which they disapprove of and would destroy. Are you going to repeat that in the constitution of your new Governing Body? As you cannot get men of eminence who would raise the University, shall you take inferior men who will degrade it? And I beg to ask another question. Are ecclesiastics to be members of the Board? because, if theology is to be excluded from the teaching, I do not see why ecclesiastics should be admitted. And yet we hear that Roman Catholic Prelates are to be appointed. For all these reasons, it is desirable that we should see these names. And now, Sir, as to that most important question of the vote we shall all to give when this debate comes to an end. The mode of proceeding I apprehend will be this—that the Amendment will be first put from the Chair; and if that be negatived, the Vote will then be taken on the Main Question "That the Bill be now read a second time;" and if the "noes" are the majority the Bill is lost. Now, I cannot vote, for the Amendment of the hon. Member for King's Lynn. I think it has raised a most useful question, and shown the insuperable difficulties in the way of a good Governing Body. It has, so far done good service. But it was plainly impossible that the Government should have the 28 names ready to place on the Table to-day, and I cannot censure them for not performing an impossibility. If, however, the Amendment is withdrawn, then the way is made clear. For those whe feel such insuperable objections to the Bill that they are determined to reject it at all hazards, the direct and manly course—the strictly Parliamentary course—is to divide on the second reading. I think the Bill ought to have been withdrawn last Monday. I think such a proceeding on the part of the Prime Minister would have been respectful to the House; would have shown consideration for his party; and would have been honourable and loyal to his Colleagues. But the right hon. Gentleman has not thought fit to withdraw the Bill—he is determined to press it; and I must say that, in my opinion, his determination to do so, in defiance of the universal feeling of the House, is little short of an affront. Sir, I shall vote against the second reading of the Bill, and I hope that its rejection by a majority will make it known that there yet exists a spirit in the House of Commons which will not permit any Minister to degrade the Legislation or destroy the independence of Parliament.

Mr. CHICHESTER FORTESCUE: I can scarcely believe that I rise on the same side of the House as the right hon. Gentleman who has just sat down, because I cannot conceive a speech more hostile to the Bill of the Government than that which he has delivered, and which appropriately concluded by announcing his intention to vote against the second reading—although he is not, as I understand him, in favour of the Amendment at this moment before the House. As to the position of the right hon. Gentleman with regard to the measure, I confess I am not able to obtain a very clear idea of it beyond the fact that he is hostile to it upon every single ground. It is, however, impossible to reconcile his preamble with the great body of his speech. The right hon. Gentleman condemns the Bill upon very many grounds, but especially upon the ground that it will be an injury to and a condemnation of the system of united and mixed education in Ireland; but in the beginning of his speech I understood him to maintain that this Bill ought to be abandoned by the Government and rejected by the House because the Roman Catholic Bishops of Ireland had expressed their objection to it on the ground that, in their opinion, it would continue and exalt the system of united and mixed education in Ireland. I leave that question to be settled between the right hon. Gentleman and the Irish Bishops. But had I felt myself in any way bound by the lengthened preamble of the right hon. Gentleman I should not have dared to say a single word on the question of this Bill, because he said that the whole thing was over, and that it was a positive affront to the House to ask it to go on with the measure under present circumstances. But let me ask the House how much discussion has this Bill received at its hands? Would it have been respectful to the House for the Government to come down and say that the Irish Bishops and several other highly respectable people having condemned the Bill, they felt themselves bound to withdraw the measure on the second night of the discussion upon it, without giving the House an opportunity of expressing an opinion upon it? I beg the right hon. Gentleman's pardon. He did not say that the Bill should have been withdrawn on the second night of the debate—he said it should have been withdrawn on the first night. [Mr. HORSMAN: Hear, hear!] I gave the right hon. Gentleman credit for more common sense than I should have done. I do not believe that any other Member in this House is of opinion that the Bill ought to have been withdrawn on the first night of the debate upon it; I do not believe that besides the right hon. Gentleman the strongest partisan in this House believes that the Government would have done their duty, or have shown due respect for this House, had they not determined, as they have done, to carry this measure forward and to test the opinion of the House of Commons with regard to it, instead of relying upon the declaration, condemnation, or criticism of any party, however respectable or however influential. Her Majesty's Government having, therefore, determined not to give the "go by" to the House of Commons in the manner suggested by the right hon. Gentleman, I will now proceed to address to the House some observations upon the general merits of the Bill. I may preface those observations by saying that I do not intend to go into its details, which may be more conveniently discussed in Committee, and among those details I class that important part of the Bill, upon which the right hon. Gentleman dwelt very forcibly, which relates to the abolition of Galway College. In dealing with the broad features of the Bill I wish, with the indulgence of the House, to refer to the two sides of this great question—as it is viewed by the Protestants and by the Roman Catholics of Ireland, a country with which I have the honour to be so intimately connected. And first, with regard to the Protestant side of the question. I will begin with the views which appear to be entertained by the Queen's University upon the subject. We have lately been addressed by a body which claims to represent that University in an elaborate blue book, which looks as though it had emanated from this House; and which has, I believe, been sent to every Member of this House. The body which has issued that book is the Convocation of the Queen's University in Ireland; and I shall have something to say about the tone in which that book is written. The Queen's University in Ireland is far more talkative and dictatorial on this great subject of Irish Education than its great and elder sister in Dublin has ever ventured to be. I wish to remind the House that it is not the Senate of the Queen's University that speaks to us in this production. The Senate of the Queen's University is a very eminent body, but it is generally silent. The Queen's University, however, possesses an institution unknown, I believe, in the history of any other University—that is to say, a Convocation which consists, not, as is the case here, of those who have obtained their Master of Arts degree, but of every youth who has just taken his Bachelor of Arts degree in that University. It is this Convocation of the Queen's University, thus constituted, that makes itself prominent on every occasion of this kind when subjects relating to Irish education are under discussion. I do not know how other hon. Members may regard the proceedings of this body; but I confess that, for my own part, I am growing rather tired of the lectures which are being so constantly administered to us by the Convocation of the Queen's University upon the great and glorious subject of united and mixed education in Ireland. I wish to speak with no disrespect of the body to which I refer; but it is never tired of enunciating general principles by which we are to be guided in determining this question. Thus we are told that "education must be harmonious throughout the land;" "that mixed education must reign in all places of instruction, from the highest to the lowest;" "that this must be the guiding principle of every University, every College, and every village school." In the meantime, while this glorification of mixed education is going on from year to year, what are the real facts of the case? Why, that the vast majority of Roman Catholics in Ireland are now receiving their education in not only strictly denominational, but actually in ecclesiastical establishments—the education of the students being almost without exception in the hands of ecclesiastics. This is the result of the policy we have hitherto pursued upon this question, and such is likely to be the case when our policy ignores the facts and feelings with which we have to deal. But let us go a little further. It is insisted by the Convocation of the Queen's University that harmony shall be maintained between the present national system of education and University education in Ireland. But does the Convocation of the Queen's University fancy, or do hon. Members fancy—I know the right hon. Gentleman fancies, but I do not know that anybody else does—that the mass of the primary schools in Ireland are established and conducted upon the mixed system? I should have imagined that at this time of day such a delusion as that no longer existed. Now, the right hon. Gentleman has been repeating to-night precisely the language of the Convocation of the Queen's University. No doubt, he took it out of their book. The fact is that the primary schools in Ireland have adapted themselves on all sides to the circumstances and feelings with which they were surrounded, and are denominational in their establishment and in their government; and this is shown by the strict provisions which are in force for the protection of the conscience of the minority. To say, therefore, that these schools are established upon the united or the secular system, and that therefore we ought carefully to make our higher education conform to that model system, is to totally misapprehend the real facts of the case. Then the Convocation of the Queen's University goes on to declare that University education must be collegiate and nothing else; that no one must be permitted to obtain an University degree except through a College; while it insists that that College must be undenominational, and must be included within an Irish University. I should like to ask English Members, and especially the right hon. Gentleman the Member for Oxford University (Mr. G. Hardy), whether they would endorse the view that in future no College should be affiliated to Oxford or Cambridge University unless it was founded upon undenominational principles. Personally I have no peculiar liking for denominational Colleges, and I should not wish to send a son of mine to one; but certainly if it were the law of this country at this moment that in the future it should be impossible to found or to maintain within the Universities of Oxford or Cambridge, Colleges for the special benefit of certain religious communities, a greater piece of tyranny I cannot imagine. Therefore, when the Convocation of the Queen's University says that University education in Ireland must be collegiate, and that it must be undenominational at the same time, I am satisfied that that is a proposition which English politicians cannot adopt. To say that in Ireland it is to be impossible for any young man to attain any University honours or degrees unless he consents to pass through a more or less expensive College whose teaching is contrary to his religious feelings, is opposed to common sense and to the circumstances of the country. What does the Convocation of the Queen's University say to the practice which has prevailed for generations in the University of Dublin? Has not the University, which includes only one great College—Trinity College—found it impossible to impose such restrictions? What, then, becomes of the cry that you must have no University education in Ireland unless it be collegiate? To tell Irishmen, of all people in the world, that unless they choose to accept the most elaborate and most expensive education which can be devised they shall have none at all, is a view which will bear no examination. I recommend the House not to take the advice of the Committee of Convocation of Queen's University, and I do not know that we should always be prepared to accept the advice of a similar body at our English Universities. Before saying something on the great University of Trinity College, I must protest against a version put by my right hon. Friend (Mr. Horsman) on something said by my noble Friend the Chief Secretary on Monday night. My right hon. Friend has got it into his head that my noble Friend directed some threat against Trinity College for opposing this scheme. [Mr. HORSMAN: I said it was one of three things—a threat, a prediction, or a warning.] I can assure him that my noble Friend intended no threat whatever. He merely wished to point out what might in his view be the historical consequences of the rejection of this proposal, and nothing was further from his mind than any threat. Now, as to Trinity College, my affections are due to another University; but I can assure members of Trinity College that I regard it with unfeigned respect. I demur, however, to my right hon. Friend's statement that all its wants and all we have to do is to let it alone. [Mr. HORSMAN: I said let the present system of education alone.] I think my right hon. Friend applied it to Trinity College. [Mr. HORSMAN: Certainly not.] Well, the view of a great many of its friends is that we are to let it alone, and that beyond the Bill of the hon. Member for Brighton (Mr. Fawcett), which they have, I think, reluctantly and at the last moment brought themselves to endorse, all we have to do is to let it alone. No one, however, will deny that it is a creation of the State, and that it has no claim to be let alone. It is a question of policy and wisdom for Parliament to determine. We all know that the University of Dublin was not founded as an Irish University, in the true sense of the word. It was the University of the Pale. That was no fault of its own, but the necessity of the time. It was the University of the colony, and although the intention doubtless was that it should grow into a National University, because it was hoped that all the people of Ireland would conform to the established religion, that intention has never been realized. In spite of a great deal of liberality and of distinguished services, it remains still to a great extent what may be called a colonial, and not a national University. I do not deny that it has struck many roots into the national soil, and that it has sheltered and nurtured many distinguished men; but from its historic position and unavoidable circumstances it has never yet reached the position of a truly national University. Now, whether we are wrong in the means or not, our sincere object is to make it national. Without in the slightest degree desiring to abate its power or prestige, our object is to convert it into a truly national University for Ireland. The hon. Member for Brighton (Mr. Fawcett) thinks the mere opening of Trinity College to all denominations will convert it into a national University; but I have always been obliged to differ from that view. The hon. Member has applied to Ireland in a way most misleading to himself and others the experience gained from the Universities of England, whereas the problem in the two cases is totally different. It was one thing to bring to a happy issue the struggle between the Protestants within the Established Church and the Protestants without it; but it was a very different thing to solve the questions which existed between the Irish Protestants and the Irish Catholics. It was one thing to open the door to those determined to enter, and who had, in fact, forced it; it is another thing to open the door to Roman Catholics who do not ask for it, but ask for something else. Owing to that fallacious analogy numbers of people in this country have entirely mistaken the difficulties and conditions of the Irish problem. It cannot, in our opinion, be solved by merely enabling Roman Catholics to enter what has long been, and will long continue to be, a Protestant stronghold. It can only be solved, in our opinion, by the method so admirably explained by my right hon. Friend at the head of the Government—namely, by separating the great College of Trinity from the University, and by constituting a new form of government for the University as such. A new form of government is absolutely essential to the end we have in view; and if so, what other form could we have proposed? What plan could we have proposed but the nomination of the Council in the first instance by the Crown, with the assent of Parliament, with a view of tiding over the great change, and of falling back within a few years into the academical groove, and making the Council a truly academical body? We believed no other plan would meet the circumstances, and we are still convinced that the dangers which some hon. Members see in it are either imaginary or so slight as to form no objection to a scheme dictated by the necessity of the case. There is an idea that a mixed academical or educational body in Ireland must fall into party grooves, and finding it impossible to maintain harmony must regulate their conduct by interests other than those of education.

Now, I do not know what reason they find for that opinion. My right hon. Friend says the National Board of Education has been destroyed by the constitution it received some years ago, the equal division of its members between Roman Catholics and Protestants. Now, that Board is far more likely than the Council of a great University to be mixed up with politics. It has to deal with a purely Parliamentary system, based on an annual Vote of this House, and is far more disposed to political and party influences than a University Council; but with all these disadvantages, the Board under its present constitution has been a highly successful body—certainly one of the most successful institutions in Ireland. The partisan differences which have been spoken of have been of the rarest occurrence, while its ordinary and almost constant working has been of the most harmonious kind, directed to the true objects of a great system of education. Then, take the Senate of the Queen's University. Can anyone say that the Senate of the Queen's University has shown any signs of partisanship? I am far from thinking so. There was, no doubt, a moment a few years since when the question of the Supplemental Charter caused a very considerable difference of opinion within the ranks of the Senate; but I have the best means of knowing that the very gentlemen who fought, and hotly enough, over that question, united together with the greatest harmony and diligence in drawing up a most admirable set of rules and ordinances for the working of the new system. I know, too, that, with those rules and ordinances before them, a great number of young Irishmen who had not joined the Queen's University were prepared to avail themselves of the advantages so given to them, and that in some cases the Roman Catholic Bishops announced their intention to require the candidates for Holy Orders to obtain in the first instance a degree in Arts in the Queen's University. Well, that body, therefore, in spite of the difficulties which were occasioned by the discussion of the Supplemental Charter, worked harmoniously together for the attainment of the common object they all had in view. There is another body well known to Irishmen, though not, perhaps, to all hon. Members of the House, of which the same thing may with equal truth be said. I allude to the Royal Irish Academy, which was founded in Dublin in the reign of George III. for the advancement of learning in Ireland. The first Council of that body was appointed by the Crown, just as it was proposed in this Bill that the Council of the University should be named by Parliament, and vacancies have since been filled up by a system of nomination and election within the Academy itself. And what is the present position of that body? It contains a number of the very best names in Ireland in the walks of science and learning—a mixture of eminent Protestants and equally eminent Roman Catholics. Among its members are Mr. Sullivan, Professor Hennessy, Professor Houghton, Professor Ingham, and Mr. Fergusson. My right hon. and learned Friend opposite (Dr. Ball) is also a member of it, and neither politics nor sectarianism ever enter into its deliberations. But then, Sir, we are told that the Council of this proposed University is to be swamped by representatives of what are called the "bogus" Colleges. How that idea has got into men's minds I do not know, except in this way—that some ingenious opponent of the Bill has produced a list in the Irish newspapers of all the Roman Catholic Colleges which he could find in *Thom's Directory* and stated that these have all been scheduled in the Bill. That is the best explanation I can find of the idea which prevails; but anything more entirely a matter of imagination cannot be conceived. The Government never meant to extend the Schedule beyond a very small number of Colleges indeed, and my right hon. Friend at the head of the Government showed by his Amendment the other night that he had no intention from the first of encouraging the multiplication of inferior Colleges to be attached to the University, and to carry with them representation in the Council. For myself, I have no hesitation in saying I should deprecate any such proposal. I am sure the Governing Body of the University would not allow such a state of things to exist; but if further precautions were required the Prime Minister has provided them. Then, again, we are told that in a few years the Roman Catholics will be able so to use and manipulate the provisions of the Bill, more especially those which have reference to the constitution of the

Council—that they will be able to obtain a predominance in that body. Well, there is no doubt that those who are extravagantly jealous of the Roman Catholic element see plainly enough that under the provisions of this Bill the Roman Catholics, if they choose to make a vigorous use of opportunities afforded to them, may attain an advantageous and important position. If any hon. Member thinks that that is an undesirable object, then I say I am not prepared to argue the point with him. Why, Sir, that is the object of the Bill. The object of the Bill is that the Irish Roman Catholics may be able to make use of it for the purpose of obtaining educational privileges of which they are now deprived, and an important position, having reference to their numbers, in the national University. And why should they not? Have the Protestants of Ireland so little confidence in themselves, and in the enormous advantages with which they start, and which are still assured to them, that they are afraid of not being able to hold their own in an open and widened University, representing every denomination in Ireland? I, for one, will not throw a slur upon the Protestants of Ireland by supposing that they will not be able to maintain their position in that body, where they are as much entitled as any of their fellow-countrymen to exercise that influence which is their due, and which doubtless they will always exercise in a manner commensurate with their energies, their vigour, and their numbers. But then we are told that the whole plan is spoilt by what are called the "gagging clauses." My right hon. Friend the Member for Liskeard (Mr. Horsman) lays stress upon that point. Well, Sir, those clauses, although we consider them very important, are not of the essence of the Bill. Let me ask my right hon. Friend and the House what it all amounts to. I deny, in the first place, that the subjects of Ethics and Modern History are excluded from the University course; and anyone who has studied the history of foreign Universities will know that it has happened over and over again that the Faculty of Arts is not set up with absolute fulness. Why, there is a case of the kind not very far from these walls. I allude to University College, London, in which there has never been a Chair of Moral Philosophy. At all events, the want of completeness in the Faculty of Arts under this Bill—which, we regret to think, is dictated by the circumstances of Ireland—is far from a condemnation of the proposed national University. My right hon. Friend talks as if the "gagging clauses" were imposed upon Trinity College. Why, Sir, no Protestant in Ireland, and no Irish Roman Catholic who does not object to Trinity College or the Queen's University, will be deprived of anything whatever. So far from that being the case, Trinity College may, if it pleases, make more than ever of those subjects which are excluded from the Professoriate of the University, enjoying all the benefits of that Professoriate for other branches of learning. If I were a member of Trinity College, Dublin, or of the University of Dublin, I should rejoice to think that it was about to be placed upon a far wider and more national footing than either has ever occupied. I should rejoice to think that I was a member not only of a great College, but also of a great and national University. But, Sir, whether that University shall be national will depend upon the Roman Catholics themselves, and, with the permission of the House, I shall now turn for a few moments to that branch of the subject. I know that there are some who deny that there is any Roman Catholic question at all in this matter. That was the line formerly taken by the hon. Gentleman the Member for the University of Edinburgh (Dr. Lyon Playfair), and also, the other night, by the noble Lord the Member for Calne (Lord Edmond Fitzmaurice); but with all respect to them, I decline to discuss that part of the subject with them. When Ireland shows this House, by every voice she can command, that that is her feeling, it is, I think, right that this House should pay respect to the notification. I pass, however, from that question with one remark only, which I think worth putting to the House. The strong point of the argument of the hon. Member for the University of Edinburgh is that in his calculation of the respective numbers of Protestants and Roman Catholics in Ireland receiving the higher education he throws into the scale the whole number of the young men in Ireland receiving education for the priesthood. As a matter of fact, however, the class from which young

Roman Catholic ecclesiastics are largely drawn in Ireland is the small farmers class, one which, except for the purposes of the priesthood, is not available for the higher University education at all. It does not, therefore, admit of comparison with the class that furnished candidates for the late Established Church. That circumstance alone would be found by anyone looking into the matter very greatly to disturb the calculations of the hon. Member for the University of Edinburgh. Now, I should not be dealing candidly with the House if I did not say that I have always been and am still an advocate for collegiate endowment in this particular case. I believe it would have been right to treat the case of Roman Catholics in Ireland as an exceptional case; but I feel bound to acknowledge that not only is that not the view taken by the country at large, but that the view taken by the country is a perfectly impartial one. I believe if the state of things in Ireland were reversed, or if the state of things which exists in Ireland prevailed in England, the feeling would still be the same. To put a hypothetical case, supposing the teaching at the University of Oxford were of such a character as to inspire English parents with suspicion, and supposing they set up a separate College with separate teachers, as the Roman Catholics in Ireland have done, does anyone imagine that an application to this House for assistance would be attended with success? Why, Parliament would not give a farthing to any such purpose. Therefore, at all events, the view taken by the country is a perfectly impartial one, and is not intended as a slur or special disadvantage to any body of the people. Again, has nothing of the kind happened in any other country? Take the case of Belgium and Holland. At one time the people of Holland were possessed of the same spirit which animates the hon. Member for Brighton (Mr. Fawcett) in respect to this subject. They thought they knew better than the people of Belgium what was good for them, and they endeavoured to impose upon the Belgians a measure which may be described as a sort of "Fawcett's" Bill for Belgium. The result of that measure is very well known. But if that result is worth the remembrance of the hon. Member for Brighton, what followed equally deserves recollection by Roman Catholics. The Belgian Government was established, and they introduced an educational system. What did they do? They founded two State Colleges. They left the philosophers to set up a College for themselves, and they permitted the Catholics to adopt a similar course, and gave them nothing. The result is that the College at Louvain is one of the most flourishing in Belgium. What we are endeavouring to do is to offer the best teaching on certain subjects to all who choose to avail themselves of it. Has it come to this—that no Catholic young man is to be allowed to receive any education from Protestant teachers? I trust not. The same objection would, in my opinion, extend to his deriving any instruction from books written by Protestants. I am still unable to bring myself to think that a great measure of this kind is to be condemned because among its provisions it contains a proposal that Professors on certain subjects are to be appointed by the Governing Body, without any compulsion on anybody to attend their lectures; and because it is thought that this duty cannot be safely intrusted to a Governing Body composed, as we hope, in such a manner as to command the confidence of men of all creeds in Ireland. But the great question is, whether after all the Government do not offer to the Roman Catholics in Ireland a great opportunity which it will not be for their advantage to neglect? It is charged against our Bill that it does not redress the historical grievance of Ireland in this matter of educational endowment. That I of course admit. It does not directly reverse the effects of Irish history; but what I would venture to point out to the Roman Catholics of Ireland is this—that it gives them an opportunity which if vigorously made use of will in a few years' time permit them to do almost all that they want to do. We offer them the means of vastly increasing and elevating the education of the people. We desire to give them the opportunity of constituting a College, which shall afford a place of shelter to their young men, within a great University so constituted as to be entitled to the confidence of Catholic students, and able to give sound teaching to any students who may feel disposed to avail themselves of it. Such a College, though not directly aided by the State, under the wing of the University would enable a vast number of Roman Catholic young men with perfect safety to their religious convictions, and with the sanction of the most scrupulous Roman Catholic Prelates, to avail themselves of the great educational advantages of the University, and to carry off their due share of its honours and prizes. It appears to me most desirable that the Roman Catholic people of Ireland should not let slip the present opportunity. To do so would probably postpone the settlement of the question for another generation. There never was a time in the educational history of Ireland, and especially of the Roman Catholics, in which the words of Shakespeare were of truer application—

> " There is a tide in the affairs of men
> Which, taken at the flood, leads on to fortune,
> Omitted, all the voyage of their life
> Is bound in shallows and in miseries."

That is my belief. I assure the House and my Roman Catholic friends that if I did not sincerely believe that the measure, however imperfect they may think it, might be made the means of the highest advancement in the education of the Catholics of Ireland I should not be standing here to speak in its favour. But it is my honest conviction that if they will only make a vigorous and liberal effort to avail themselves of the measure now within their power, they may within a few years, raise the great body to which they belong to that high and equal level of a liberal education which every hon. Member of this House must wish them to attain and enjoy.

Mr. PERCY WYNDHAM said, that the Prime Minister had met the Amendment by giving various reasons why it was impossible to give the names of the Council; but the fact was that the House had only half the measure before it. That half was contained in the printed Bill; but the other half, relating to the constitution of the body which would determine the character of the University for the first 10 years, was altogether hidden from the House, and the amendment was brought forward to remove this veil of darkness. He was aware that it was impossible for the Prime Minister to give the House the names of the Council at the present time, and he agreed that until the Bill had made some progress it would be impossible to know whether certain gentlemen would consent to serve on the Council. Yet that did not prove that the request was wrong, but only that the right hon. Gentleman had approached the whole subject in an erroneous manner. It was the almost unanimous opinion of those best qualified to speak on this subject, that the Governing Body which directed the studies of a University ought to be the natural growth and outcome of that University, and should not be the nomination of any external body. Clause 20 of the Bill abolished the existing Universities of Ireland, and proposed to put something else in their place. He wanted to know what was coming in their place? And when he looked back upon the whole history of Ireland and remembered the influences that surrounded the Castle—the coaxing and the intrigues that were going on there—he could not avoid the conclusion that the real vitality of the new University must suffer from the political influences which would be brought to bear upon it under the Bill. To remove all doubt on the subject, Clause 6 declared that the Lord Lieutenant of Ireland for the time being was to be the future Chancellor of the University. He would in this capacity exercise powers of a very different character from those of the Chancellor of an English University. The duties of the Chancellor of the University of Dublin would not be merely ornamental. The rules and regulations of the College would, to some extent, come before him for his sanction, and he would stand towards the University, in some respects, in the position in which that House stood towards the Universities of Oxford and Cambridge. It was the custom in England to elect distinguished men as Chancellors, and the late Duke of Wellington reflected the honour of his great name upon the University of Oxford. But would it not have been something strange and grotesque if the Great Duke had announced his intention to interfere with the rules and regulations of the University? Still greater, then, would be the anomaly if the Lord Lieutenant of Ireland was to be invested with the power of controlling an Irish University. Yet any alterations made by the Duke of Wellington would have been more likely to be dictated by a single eye to the advantage of the University of Oxford than might be expected from any Lord Lieutenant. It would be a desecration of University Education so to mix it up with politics, as would be inevitable under this Bill. The "gagging clauses" were so wrong upon the face of them, and so opposed to the spirit of the time, that it was unnecessary to ask what anyone thought of the rest of the Bill. They were so radically bad, that they of themselves supplied the condemnation of the Bill. What would be the opinion of anyone who had been absent from this country for many months if he were told of these new regulations for educational instruction, without being informed where or when they had been promulgated? If he were told that they had been published at the latter end of the 19th century, and were the offspring of that party that claimed to be in a peculiar degree the party of liberty and progress, these clauses would be sufficient of themselves to condemn the Bill. Remembering that political intrigues had been the curse of Ireland, was it not almost certain that at any General Election more and more would be given away for the half-promised support and well-merited contempt of a few Irish Members? Trinity College had always held strong political opinions, and had never flinched from avowing them; but it had never allowed political intrigue to weave itself into its distribution of honours, or to affect the maintenance of a high standard of education. He should on this and on every future occasion offer his warmest opposition to the Bill. The Prime Minister might be able to carry this Bill by the voting power of those who sat behind him; but it was not like the Ballot, which had been for 50 years before the House, and the Government would pass the present measure against the express opinion of every section of the Irish Members, and of many independent Members not connected with that country.

MR. PIM said, he fully agreed with the hon. Member who had last spoken, that the Lord Lieutenant ought not to be the *ex-officio* Chancellor of the University of Dublin. He trusted that that clause of the Bill would be altered, and that the Senate of the University would be left to elect the Chancellor, as in Oxford and Cambridge. He had listened with great attention to the debate of the previous day, and especially to the speech of the hon. Member for Brighton (Mr. Fawcett). That hon. Member had made the best case he could for retaining the Queen's University as a separate University, as well as for his own plan for the abolition of tests in Trinity College, and opening it to all on the same terms as the Queen's Colleges. But would these two Universities, both secular, satisfy the conditions of the problem? Would such an arrangement remedy the admitted grievance of the Roman Catholics? No one in Ireland, whether Protestant or Catholic, would say that the establishment of four secular Colleges—and this must be the practical effect of carrying the Bill of the hon. Member for Brighton—would settle the question. The two Universities which that hon. Member proposed to maintain, would be in a state of very unstable equilibrium, and a Catholic University would be required to give stability to the arrangement. It would, in fact, be like trying to support a stool on two legs—a third leg must be given to it, or it would not stand. The recognition of their own University was what the Roman Catholics had originally asked for; and it was what would certainly be done, if the decision were left to the Protestants of Ireland. He was convinced that, if Ireland had a Parliament of her own, even although its Members were exclusively Protestant, it would long ago have established a Roman Catholic University with an ample endowment; as, before the Union, it established and endowed the College of Maynooth. Much might be said in favour of the plan of three Universities. It was simple; it caused the smallest disturbance in the arrangements of the existing institutions; and consequently it involved the smallest risk of injuring them, and interfering with the good which they are now doing. The great mass of the Irish people were not averse from endowing a Catholic University; but they thought the money required for the purpose should be derived, not from Imperial funds, but from the Church surplus, which could not be devoted to a more useful purpose than the encouragement of education. It appeared to be assumed, however, by the framers of the Bill that, in the face of the strong anti-Catholic prejudices of England and Scotland, it would be impossible to carry a proposition for the endowment of a Catholic University. Some other method must, therefore, be devised as a solution of the difficulty. He had always objected decidedly to the plan of the hon. Member for Brighton. His plan was based on what he (Mr. Pim) considered the pernicious principle of divorcing religion from learning, and it treated with contempt the just claims of the Roman Catholics. While professing liberality and freedom, it was in reality a measure of coercion. It said to those, whether Protestants or Catholics, who conscientiously believed that religious training ought to be a constituent part of a College education, "You shall not take a degree; you shall not share the honours or the rewards of learning, unless you give up your religious convictions—your foolish scruples, perhaps they would call them—and come to our secular College." For himself, he preferred the mixed system of education, provided it was free. But to be useful, it must be free; it must be voluntary. The attempt to force it on an unwilling people would do great harm, and it was impossible to work it as the only system in Ireland. Unless, then, the House was prepared to force the secular system on the Roman Catholics of Ireland, or to establish three Universities, nothing remained but some such plan as that of the present Bill. It was similar in principle to the plan suggested some years since by the right hon. Gentleman the Member for Limerick (Mr. Monsell); and which had also been proposed by the Provost of Trinity College. He (Mr. Pim) had always advocated it himself, and he was well pleased that the Government had determined to propose it for the consideration of Parliament.

It had been remarked by previous speakers that no one ought to vote for the second reading of a Bill unless he approved of its principle. He (Mr. Pim) fully agreed with this. But what was the principle of this Bill? He would say that its principle was a single unsectarian University, affiliating different Colleges, whether secular or denominational. Of this principle he approved, and he would, therefore, support the second reading. The details might well be altered in Committee, and many of them must be altered, if the Bill was to become law. Referring to the objections which had been made, he would say—first, as respects Galway College, that the consideration whether it was to be maintained or not was wholly a question for the Committee. This was not a point on which the Government laid much stress. The absorption of the Queen's University into the University of Dublin was a matter of much greater importance. The authorities of Trinity College raised strong objections to this connection, and it was to be expected that they would do so, because they wished still to keep their College separate from the other Irish Colleges. But what do the Queen's Colleges themselves say as respects the proposal to affiliate them to the University of Dublin? He thought their opinion ought to have some weight in the consideration of this question. On looking to the resolutions which had been sent to the Chief Secretary for Ireland by the President and Professors of the Queen's College at Belfast, he found a very mild expression of "regret that the new arrangements should be found incompatible with the continuance of the Queen's University;" but one of the Professors in a letter to him (Mr. Pim) says—"I trust you will oppose the exclusion of the Queen's University from the new University of Dublin;" and he proceeds to give his reasons for wishing for this connection. The Council of the Queen's College in Cork had submitted to the Government a very carefully drawn up statement, in which they object to many of the provisions of the Bill; but they make no objection to the proposed affiliation of their College to the University of Dublin. Lastly, the Committee of Convocation of the Queen's University itself, while objecting to the absorption, if the University was to be an Examining Board for non-collegiate students, expressed their desire, in the event of other arrangements being made for non-collegiate students, and for the students of denominational Colleges, that the Queen's University should "be incorporated into the Dublin University, as the great national University of Ireland." Unless he (Mr. Pim) had been misinformed—and he believed he had it on good authority—it was the original intention of Sir Robert Peel that the Queen's Colleges should be affiliated to the University of Dublin; and when the Liberal party came into power, on Sir Robert Peel's retirement, the same policy was continued, and he had been informed that Lord Clarendon, when Lord Lieutenant of Ireland, endeavoured for more than two years to obtain the assent of the University of Dublin—that is, of the authorities of Trinity College—to this affiliation, but it was then contemptuously refused. Now, again, Trinity College repudiates the connection, stating that the Queen's Colleges are doing a most useful work, and that their competition has a most important effect in raising the character of University education. Whether they despise or praise, they desire to keep these Colleges at a distance from their own University. It was natural that the students and Professors of the Queen's Colleges should approve of that part of the Bill, for the degrees which they would be able to obtain, when affiliated to the University of Dublin, would have a much higher value than those which they could now acquire from the Queen's University. The Council of the Queen's College in Cork had referred to the unfavourable position of the provincial Colleges, stating that they "would have to compete on most unequal terms with those in the capital." This complaint is well founded, but the inequality cannot be avoided if increased academical advantages be given to Dublin, and perhaps the only compensation that can be offered to them is the advantage which they would obtain by this close connection with an old-established University of high reputation.

An objection has been made to the Council of the University as "the creature of political nomination, with a political officer presiding over it;" and the Senate of the University of Trinity College, in their Petition, say, that—

> "The withdrawal of the government of the University from men who have gained their position by giving proof of their attainments, and whose lives have been spent in the work of teaching, for the purpose of transferring it to a Council, who will most probably be nominated to represent particular views in politics or religion, would be injurious to the interests of education, and productive of internal strife."

He (Mr. Pim) thought the Senate were somewhat hasty in anticipating that the composition of the Council would be of this description, and he was glad to be able to refer to the speech of the noble Lord the Chief Secretary for Ireland, who on the first night of this debate had said, that—

> "If anything was explicit in the statement [of the right hon. Gentleman the First Lord of the Treasury], it was that the members of the Council would be chosen, not as representatives of religious opinions as such, but as representatives of academic, literary and scientific eminence."

He (Mr. Pim) thought this a most important statement, that the members of the Council should be representatives of academic eminence, and he would venture to add his own hopes that they would be men of good common sense and discretion. He thought that it was necessary to have the first Council appointed by the Act itself, and he had no doubt that the Prime Minister would make a fair and a suitable nomination; but when the ship had been once fairly launched with the crew provided for her by Parliament, he hoped the future management and the filling up of all vacancies would be left to those who were interested in the success of the University. He was convinced that any interference on the part of the Government would do harm. Trinity College had always been free from Government control. With the single exception of the Provost, it had always elected its own Fellows and all its officers, and this independence had largely contributed to its success. He believed that, if its Council and officers had been nominated by the Castle, it would have failed like other Irish institutions; and he trusted that at least the independence of the Republic of Letters would be preserved, and that the University of Dublin would not be made a creature of the State.

The Petition from Trinity College objected to "the affiliation of small provincial schools or Colleges," as tending to "lower the standard of attainment necessary for an academical degree." Well, so does everybody—the Government included. The students and the late students of the Catholic University of Dublin had addressed a petition to the Roman Catholic hierarchy of Ireland stating that the Bill, if carried without alteration, would be fatal to education in that University, and praying their Lordships

> "To use their influence to procure the insertion of clauses requiring attendance at some affiliated College, and also to prevent any Catholic College, except the Catholic University, from seeking affiliation with the proposed University."

He had himself given Notice of an Amendment which he should move in Committee, if the Bill reached Committee, providing that no Colleges should be affiliated to the University except those contained in the Act or in any future Act which

Parliament might pass. This action of the students and ex-students of the Catholic University shows that, although themselves debarred from the recognition of their academical attainments by a degree in Arts, they are yet anxious that nothing should be done to degrade the University education of Ireland. He (Mr. Pim) would venture, on the present occasion, to state his own conviction that, if a Roman Catholic College was established in Dublin, whether endowed by Parliament or by the Catholics themselves, it would not be a College in subservience to any external authority, but would be an independent centre of Roman Catholic thought in Ireland.

The Bill prohibited the appointment of University Professors of modern history, and of moral and mental philosophy. This prohibition, as well as what were commonly known as the "gagging clauses," was universally condemned. He had, during the 10 days he was in Dublin, made it his business to consult his constituents of all classes — Protestants and Roman Catholics — as respects the provisions of this Bill, and he found no difference of opinion on this subject. The feeling was, indeed, strong that it was most improper, and contrary to the very idea of a University, to close the sources of any knowledge whatever, and that the exclusion of these subjects was insulting to the people of Ireland. "Such a restriction," said an ex-student of the Catholic University to him recently, "would make our University the laughing-stock of Europe." He had given Notice of Amendments to be proposed in Committee which would remove the restrictions on the appointment of these Professors, and leave it to the discretion of the Council, and which would provide that the attendance of the students on their lectures should be voluntary. He had asked the opinion of Dr. Sullivan, Professor of Chemistry in the Catholic University, as respects several of the objectionable provisions of the Bill, and he had that day received a letter which authorized him to state the opinion of that gentleman—an opinion in which he believed the other Professors of the Catholic University concurred. The House would, he believed, like to have that letter read. It said that Professor Sullivan disapproved of

> "Leaving to the Council the power of affiliating any number of Colleges; or of giving to the Crown the right of appointing one-fourth of the Council after 1885; that the number of the Council was too large; that the Lord Lieutenant ought not to be the Chancellor, *ex officio*, but that the Chancellor ought to be elected by the Senate of the University."

It also stated that he (Dr. Sullivan) disapproved of

> "Degrees, honours, or prizes being obtainable without academic training;" and "of the examinations in moral and mental philosophy being voluntary;"

and that he also objected to the

> "11th clause (the gagging clause), and the section which referred to a student broaching any theory he pleased, instead of the sound theory."

These clauses, to which Professor Sullivan objected, had, in fact, excited a storm of indignation throughout Ireland, and this indignation was not diminished by the articles which appeared in the Press of this country. He would, with the permission of the House, read a short paragraph from an article which appeared lately in *The Daily Telegraph*—

> "We frankly confess that we do not admire the system, and that we should be glad to make a clean sweep of all the sectarian lecture-rooms in Ireland, for they must all be the haunts of bigotry and ignorance; but we fall back on the fact that they are better than nothing, and such is the principle of the Bill. It is not ideally good, nor would it be tolerable either in England or in Scotland; but so high does religious passion run in Ireland, so immeasurably above scientific truth does one party place dogma, and so furious are the zealots of the several sects that—we confess it with a sense of shame—a mutilated University system is the only system which is possible. Nor does the Bill pretend to give more than that—nor, again, has Mr. Gladstone ever claimed more for its pretensions."

Now, this was from a paper which, in Ireland, was supposed to be inspired. ["Oh!" and *laughter.*] He was only stating the current opinion; he had nothing to do with newspapers himself, and he would not believe that any man on the Treasury bench could have recommended the publishing of such a paragraph. Such articles did a great deal of mischief. There were contemptuous expressions in it which were felt as insults, and did more mischief and created more irritation in Ireland than even a serious injury. Nothing would give the Home Rule agitation greater support than articles of this kind. No man was more thoroughly convinced than he was of the danger that would result to Ireland herself from the establishment of a separate, though even a subordinate, Legislature there; but he would much rather risk this danger than consent to degrade the intellect of his country in the way in which it would be degraded by some of the provisions of this Bill.

The Trinity College Petition raised an objection on the score of want of competition, alleging that "a single University, having a monopoly of granting degrees . . . . would lower the standard of academic attainment." But, he would ask, what was the competition between Universities? Was it not a competition for students? and was it not the natural tendency of such competition to lower the standard, at all events, of the matriculation examination? But the competition between Colleges affiliated to the same University was a competition for honours, for scholarships, for fellowships. The tendency of such a competition was to increase the efficiency of the teaching in those Colleges, because if their students were not successful in obtaining prizes, the Colleges would lose their students. He did not wonder that some anxiety was felt as to the effect of the Bill upon the future of Trinity College. That institution had been as a light in a dark place; it had been the centre from which the light of learning and the teachings of religion had for nearly 300 years spread throughout Ireland; and as such it had obtained an European reputation. It had been the one successful institution in Ireland—an oasis in the dreary desert of Irish political life, and should be touched, therefore, with a very careful hand. It had been governed by Irishmen independently of all patronage or State control, and it showed what Irishmen, trusting in themselves and acting independently, had been able to do. He had already spoken of the non-endowment of the Roman Catholic College, which he considered to be a failure of justice, and as unwise and impolitic as it was unjust. But there was an aspect of this non-endowment which had not been touched on, and which he wished to refer to. It was this: The weakness of the Roman Catholic College, if it had not sufficient means to procure an efficient staff of Professors, would re-act upon its sister Colleges. They would be obliged to lower themselves to her level. It was like running a well-fed horse in harness with one that had got no oats. It would be necessary to restrain the energy of the one to suit the weakness of the other. But everyone in England said it was impossible to endow a denominational College; that it was "vain to imagine that the English Parliament could be induced to found a second Maynooth." Well, the English Parliament and the English people had refused many things, and had afterwards consented to do them. For 30 years it had refused Catholic Emancipation, and now a Roman Catholic Lord Chancellor of Ireland sits as a Peer in the House of Lords. They all remembered when an English Parliament forbad the Roman Catholic Bishops to assume territorial titles, yet since that time he had seen a Prince of the Roman Church, in his Cardinal's robes, sitting alongside of the Lord Lieutenant of Ireland at the table of the Lord Mayor. It is scarcely three years since the English people declared, almost universally, that they would never pay a penny for the depredations of the *Alabama*, now they have engaged to pay £3,000,000 sterling, and have even been at the trouble of inventing a new maxim of international law, in order, by its retrospective effect, to warrant this payment.

He had dwelt largely on the defects of the Bill—defects which could all be remedied in Committee. Comparatively little consideration had been given to its good points. It proposed to establish a teaching University, not a mere Examining Board; it would open Trinity College to all by the abolition of tests; it would raise the status of the Queen's Colleges and of the Catholic College by their affiliation to the University of Dublin, and by opening to their students all the honours and emoluments of that University; it interfered as little as possible with the internal concerns of the affiliated Colleges, and left their autonomy untouched. Trinity College would naturally, from its importance and reputation, give the tone to the University, and its influence would be felt by all its sister Colleges. These are great advantages which are offered in the Bill, and he would therefore express his earnest hope that the House would consent to the second reading, and pass it into Committee, where its defects might be remedied; and thus the foundation might be laid for a good and a complete system of University education in Ireland.

Mr. W. JOHNSTON, as representing to some extent a certain phase of public opinion, and also as representing in that House the great commercial capital of Ireland, desired to express his entire and strong objection to the Bill in its principles and in its details. He listened to the ornate eloquence of the First Minister in introducing it, and hearing the statement so ably put forward, he ventured, for that one night, to hope that at last a solution of the University difficulty had been found—that a scheme had been prepared which would satisfy and please all parties in Ireland. But going through the Bill, clause by clause, he became convinced that such a measure would never satisfy the wants of the people of Ireland in the direction of higher education, and that instead of being, as the Preamble declared, "a Bill for the Extension of University Education and the future advancement of learning in Ireland," it ought to be described as "a Bill for the limitation of University Education, and for the advancement of ignorance in Ireland." It had been argued that there was a necessity for the introduction of some measure on the subject of University education in Ireland—and, no doubt, there had been demands on the part of the Roman Catholic hierarchy, and a promise on the part of the Prime Minister—but if University education had been left to develop itself, in a very few years different parties would have been found working harmoniously together; and if Parliament threw no obstacles in the way, Irishmen would solve the difficulty by accepting the education offered by the Queen's and Dublin University. The Prime Minister, at Wigan, in October, 1868, had said—

> "There is the Church of Ireland, the Land of Ireland, there is the Education of Ireland: there are many subjects, all of which depend upon one greater than them all; they are all so many branches from one trunk, and that trunk is the tree of what is called Protestant ascendancy. . . . It is upon that system we are banded together to make war."

He was not one of those who believed that the Land Bill—for which they were indebted to the genius of the right hon. Gentleman—was a bad Bill for Ireland. On the contrary, he thanked him on behalf of the people of Ireland for passing that Bill through the House; but he denied that the Land question had any connection with the question of Protestant ascendancy. He would always have been glad to extend to his Roman Catholic fellow-citizens the rights and privileges he claimed for himself; and, if this were a question of giving them equal rights, he should not be found in opposition to the Bill of the Government. It was assumed that the Roman Catholic laity did not take advantage of the means provided for their education; but it appeared from the Census Report of 1861 that the number of pupils in schools under societies and boards was 4,298, and in private schools 6,048, making a total of 10,346, of whom 5,228 were Protestants and 5,118 were Roman Catholics. The preparatory schools, according to the Report, were those which fed the Dublin University, the Queen's Colleges, and the several Roman Catholic seminaries, like Maynooth, in which candidates for the Roman Catholic priesthood were educated. It had been attempted to be shown that we ought not to take into account the number of Roman Catholic students educated for the Roman Catholic priesthood in calculating the number who had received higher education in Ireland; but it must be remembered that the vast proportion of those who received higher education were destined for the priesthood. However, it was assumed there was a Protestant ascendancy in Ireland; but he denied that there was any particular class of men who were anxious to establish Protestant ascendancy in the sense of depriving Roman Catholics of their rights and privileges. What was meant was the ascendancy of enlightenment over ignorance, of intelligence over credulity, and of the progress of the 19th century over the state of the dark ages. He confessed there was a desire for such an ascendancy. This Bill, however, instead of advancing education and learning, would substitute the condition of the dark ages—credulity and ignorance—for intelligence, enlightenment, and progress. Magee College, which must feel indebted to the Prime Minister for dragging it from its obscurity to be honoured with the attention of the House of Commons, and which was assumed to be entitled to recognition in the proposed University, was a small College, endowed through the munificence of a lady in Londonderry for the Irish Presbyterian Church. The course of the College extended over six years, instead of three or four as in others, so that the 44 students educated there gave about seven for each year. It had been asserted that it was only when Trinity College felt itself in danger that it proposed to throw open its honours and emoluments. But, in 1866, before the disestablishment of the Church of Ireland, a very important declaration in favour of United Secular Education, commonly known as the "Provost's House Declaration," issued from Trinity College. This Declaration was in the following words:—

> "We, the undersigned members of the United Church of England and Ireland desire to express our earnest hope that the principle of United Secular Education, as opposed to the Denominational System, may be maintained in Ireland.
>
> "Without pledging ourselves to an approval of the National System in all respects, we entirely admit the justice and policy of the rule which protects scholars from interference with their religious principles, and thus enables the members of different denominations to receive together, in harmony and peace, the benefits of a good education."

The Declaration was signed by 2,754 members of the Church of Ireland. The following is an analysis of the signatures:—The Lord Primate of Ireland, 1; The Lord Justice of Appeal, 1; Noblemen, 45; Bishops, 5; Deputy Lieutenants, 146; Justices of the Peace (not D.Ls.), 636; Clergymen, 733; Barristers, Physicians, and other Professional men; Country Gentlemen, not being J.Ps., and Merchants (about), 800; Miscellaneous Signatures (about), 387. Total, 2,754. Only a few days ago a resolution was proposed by Dr. Traill and passed by the Senate of the University—

> "That, in the opinion of this Senate, it is desirable that the House of Commons should adopt the principles of 'the Dublin University Bill,' introduced by Mr. Fawcett, which would prevent this ancient University being deprived of its privileges and powers, while abolishing all religious tests in Trinity College."

He had pleasant recollections of Trinity College, where he lived happily and harmoniously with students of all religious creeds. It was said that this was a good Bill because Roman Catholics, Protestants, Episcopalians, Presbyterians, and Wesleyans were all alike dissatisfied with it; at all events, it could not be said to be legislation for Ireland according to Irish ideas. The Roman Catholic hierarchy had denounced it on two grounds—that it was a continuation of the mixed system of education, and that it did not give endowments to Roman Catholic Colleges. It was said by the hon. and learned Member for Denbigh (Mr. Osborne Morgan) the other night, that they must not lower the standard of education in Ireland to that of Stonyhurst and Maynooth. What they wanted was not to lower the standard, but to raise it; and any attempt in the direction of this Bill was a movement for the advancement of ignorance and the extinction of education. The hon. Member for Tralee (The O'Donoghue) declared that education, in all its branches, must be under the superintendence and supervision of the clergy. He did not know whether the State was about to abdicate its functions—whether the Legislature was prepared to see the Church placed above the State, and to see a Church ruled over from Rome superseding and trampling down the Government of the Queen. The President of the Board of Trade (Mr. C. Fortescue) had told Roman Catholics that this Bill would do for them in a few brief years all they would require. They did not give them much at present; but, if it passed, their demands would be irresistible till the whole cause of education was in their own hands. As to the details of the measure, the "gagging clause," as it had been called, might be termed the inquisition clause; but the 25th clause, with reference to the non-compulsory tuition of Modern History and Moral Philosophy, was the sting in the serpent's tail. He valued highly the honour of a seat in that House; but if he heard the question put—that this Bill do pass—he should feel that the honour had been obtained at too great a price when he listened from those benches to the pronouncement of a sentence of capital punishment upon liberal education in Ireland.

SIR ROWLAND BLENNERHASSETT: * Sir, the measure which we are now discussing is one which has been looked forward to with anxiety by a large section of the people of Ireland, and also by many others who take an interest in the advancement of learning and in the progress of mankind. If ever there was a subject which ought to be approached in a fair, an impartial, and a scientific spirit, it is the question of Irish University education. Upon its proper solution depends whether the Irish people are to be really elevated in the scale of nations, or whether the special qualities of the Irish race are to be lost for an indefinite period to the sum of human development. From an educational point of view the population of Ireland may be divided into three sections—first, Presbyterians and Nonconformists; secondly, Episcopalians; and thirdly, Roman Catholics. The Presbyterians and Nonconformists are altogether a little more than 10 per cent, the members of the Disestablished Church are something like 11 per cent, and the Roman Catholics are over 77 per cent of the total population of the Island On the part of that 77 per cent it has been complained, that a considerable number of them have been shut out from University education because their religious convictions would not allow them to take advantage of the University system already in existence. An interesting discussion has been raised, principally by the hon. Member for the University of Edinburgh (Dr. Playfair), as to the number of those who have actually suffered by this exclusion. I need not enter into this question, as successive Ministries have admitted that a grievance exists, and that a remedy is required. Many attempts have been made to remove this grievance, but all the proposals hitherto have been unsuccessful. When the present Government was formed, pledges were given that the question should be seriously dealt with, and it was also fully understood at the General Election that no scheme would be proposed by my right hon. Friend at the head of the Government which would involve denominational endowment. Bound as he is by the pledges which he then gave, bound as is the whole Liberal party, by the pledges it gave against concurrent endowment in every shape and form, I think the Bill is an honest and substantially a successful attempt to meet the difficulties of the case. It may contain some objectionable and some doubtful provisions; but, nevertheless, I think that with that amount of amendment in detail which a Bill of so complicated a nature must necessarily be expected to receive in Committee, it could be made as good a measure as, in the present temper of the public mind, any Minister could hope to carry. I am at a loss to understand how anyone can fail to perceive the considerable merits of this Bill. In the first place, it does not propose to constitute a mere Examining Board; and in this it will have the approval of the majority of those who take an interest in University education. In the second place, it recognizes the Collegiate system; and here again it will meet in Ireland with the general approval of all who really understand the subject. But no doubt many persons think that on this point the provisions of the Bill are defective. With regard to Trinity College, it appears to me that its attractions, traditions, and wealth, will enable it to hold its own against all rivals. It remains under this Bill the richest College in Christendom. Its income will be some £50,000 a-year, or more than double that of the great University of Munich, which gives a considerable quantity of gratuitous instruction, maintains 75 Professors, many of them men of European reputation, and supports its position as one of the most famous Universities in the world, on a gross income of £24,080 a-year. I have heard lately a great deal about the development which will be given by this measure to the "grinding system." It is said that these terrible grinders will destroy the University, by withdrawing students from the Colleges and from the University lectures, and that the whole result will simply be to create an Examining Board. Our greatest English authority on University education—Dr. Newman—has stated, that one of the most valuable parts of University education is the student life. That is true, and, as far as grinders tend to destroy the student life, they are simply mischievous. But where are these grinders most likely to be found? Surely, where they will find the greatest throng of students. And where is that most likely to be? Surely in Dublin. Besides, Sir, although all this talk about "grinders" and "crammers" may impose to some extent upon the public, there is probably no single one of us University men in the House, from you Sir to myself, who have not had recourse to them at some period or other of our University career. They exist in every University in the world, and a very necessary part of University life they are. The truth of the matter is, that if you have examinations at all, you are sure to have a certain class of persons who have a particular talent for preparing candidates for those examinations; and although I am quite prepared to admit that the worth of examinations is by some persons exaggerated, still I suppose none would venture to propose to get rid of them altogether. I really cannot see how Trinity is seriously injured by this measure. If, with all its advantages of wealth and organization, it cannot hold its own under this Bill, its advocates will find it hard to show what interest science has that it should exist at all. On the other hand, the institution, which I will call the Catholic University College, will have to compete with endowed Trinity, with the endowed Queen's Colleges, and with the various middle schools throughout the country; and any modifications made in the Bill should not be detrimental to that College. Hon. Members unacquainted with the subject, and with the history of Irish education, may think that if the Catholic University College were destroyed, Trinity and the new University would be the gainers. It is impossible to entertain a more erroneous opinion. The result would simply be that fewer students would come to Dublin. The Catholic youth of Ireland would be kept in the country schools, and would never come to the University of Dublin except to pass an examination. As the Bill now stands, they would be able to enjoy all the prizes in the country schools. There are in Ireland some 67 intermediate schools, conducted by priests. Of these, 24 are diocesan seminaries, in 23 of which, I am told, lay as well as ecclesiastical students are admitted; 15 are classical schools, under the direction of secular priests; 28 are classical schools belonging to different religious orders. In these schools the youth of Ireland are at present educated. I am not now concerned with the question whether it is desirable or not that the whole education of laymen should pass exclusively into the hands of ecclesiastics. But if the Catholic University College were extinguished, the only result would be that the Catholic young men now taught there would be inmates of the country clerical schools. Unless the Government and the House desire that result, they will provide larger inducements than the Bill now offers for the Catholic youth of Ireland to reside in the Catholic University College, and to attend the Professorial lectures in the University of Dublin. If the Bill goes into Committee, I shall be prepared to make some suggestions in this sense. Something, for instance, might be done by making a distinction between the bursaries and the Fellowships and exhibitions. Leaving the bursaries as they now stand, to be gained by all within the first year after their matriculation examination, I would suggest that the Fellowships and exhibitions should be the reward of none but those who have followed the *curriculum* of the University, either in its own lecture halls or in a College recognized by it. This distinction between the prizes may be fairly made. In the Bill as it now stands, no one can compete for a bursary who has passed the first year after his matriculation. There are to be 100 bursaries of £25 each, tenable for four years. These are practically prizes for the middle schools, and will no doubt do much to promote study in those institutions. And although my right hon. Friend was probably right when he said it would not be advantageous for us to mix up the question of intermediate with the question of higher education, still, unless the preparatory schools are in a flourishing condition, it is quite idle to dream of a flourishing University. I am glad, therefore, that something is done indirectly to stimulate energy in those middle schools, by putting within their reach the bursaries through the exclusion of all but first year's men. But it would be most desirable to make the Fellowships and exhibitions the reward of collegiate training. This can only be done by excluding all candidates who fail to produce a certificate of having followed a course, either in the University edifice, or in a College recognised by the University. I urge this point earnestly upon the consideration of the Government. I am aware that there are some objections to it, but I think it would be, on the whole, a great improvement in their Bill, and would do much to strengthen the Colleges, and to extend the educational influence of the University. A third great merit of the Bill is that it provides liberally for University teaching; but on the mode in which that teaching power is made available will greatly depend the success of the University. As regards this portion of the Bill, I shall be prepared, if we get into Committee, to submit for the consideration of the House and the Government, Amendments which might be accepted without any derogation from the principle of the measure. For instance, I shall ask the House to consider whether it would not be desirable to attach certain Chairs to certain Colleges. In Germany we all know that the same University sometimes contains duplicate Faculties, and perhaps it might be possible to found in the University of Dublin duplicate Professorships of Modern History and Moral Philosophy. The more I think of it, the more I regret that it should appear necessary to exclude Modern History and Moral Philosophy from the necessary studies of the University. These two subjects are, no doubt, excluded because of their indirect connection with theology. But if Modern History is to be left out because its study might be inconvenient to this or that religious opinion, why is not Modern Literature excluded also. As deep offence can be given in a lecture on literature as in a lecture on history. No doubt a great deal may be said upon this point. It has been much insisted upon in the course of this debate, and we shall, no doubt, still hear more about it; but, after all, there is no reason why we should get into a white heat upon this subject. Great Universities have existed before now with practically only one Faculty, and many have been founded to teach but one particular science. The oldest University, in our sense, was the University of Salerno. It is mentioned by writers of the 11th century as a flourishing community, and in that University practically only medical science was taught. In the 12th century, one of the most famous Universities that has ever existed—the University of Bologna—was founded to teach Civil Law; and later in the same century the University of Padua was founded for the same purpose. In the 13th century the University of Paris, the glory of the Middle Ages, began to flourish, and there for a time Jurisprudence—a necessary study in those days for anyone who was not going to be a priest or a soldier—was absolutely prohibited. I will not weary the House by many instances; but I assert that from the University of Salerno to the one we are now reforming, there never has existed a University which contained in its *curriculum* all the subjects necessary for its theoretic completeness. Why, let us look at the University of which the hon. Member for Brighton (Mr. Fawcett) is so distinguished a Professor. It is true that it has of late years established a Moral Science tripos. But that which the world, and that which Cambridge itself understands by the highest Cambridge education is that which makes a man a Senior Wrangler or a Senior Classic; and any man might take the former of these high honours without ever having opened a book on Modern History or Moral Philosophy. There is no reason why we should underrate the importance of these two subjects; but do not let us disgrace ourselves before the world, and show our total ignorance of the history of Universities, by raving about the exclusion of these two Chairs, as if the omission of important subjects from a University *curriculum* was anything so very novel. The truth of the matter is, the value of a degree is measured by a University's reputation for the excellence of its mental training, and not by the number of subjects contained in its *curriculum.* The hon. Member for Brighton the other evening was very eloquent upon what he was pleased to call "the gagging clauses." With regard to the 11th clause, which empowers the Council to punish Professors who give wilful offence to the religious convictions of the students, what this means should be more clearly defined. I would suggest that the offence should be limited to the use of insulting language directed against any religious belief. Perhaps the House will understand what I mean when I tell them that a distinguished Oxford tutor not long ago began a Lecture on Moral Philosophy with these words—"That damned fool Bishop Butler says." [Mr. BOUVERIE: That would not hurt anyone's religious convictions.] The right hon. Gentleman says that such language would hurt no one's religious convictions; but I think no one will deny that expressions of that kind made use of in Ireland would very soon set the whole University in a blaze. Then the hon. Member for Brighton said that he could not teach Political Economy in the new University, because he could not do so without constant reference to Modern History. Where in the Bill does he find any clause forbidding a Professor to make reference to Modern

History. He alluded also to the sixth sub-section of the 25th clause, and assumed that a candidate would not be disqualified by ignorance of any received theory. There is nothing of the sort in the Bill. The 6th sub-section of the 25th clause says that he is not to be disqualified by reason of his adopting any particular theory in preference to any received theory. What is the meaning of the word "preference?" How, in the name of wonder, is a candidate to adopt one theory in "preference" to another, unless he has mastered both? A man might just as well say that he had married one sister in "preference" to another, when he had only seen the one he married. If it could be shown that this Bill would be detrimental to high culture, that would be a fatal objection to it; but that is an assertion which has to be proved. It is said that the new University, in so far as it is an Examining Board, will have to reduce its standard of examinations down to the level of the weakest College affiliated to it. What reason there is for this statement I entirely fail to comprehend. The University of London has many Colleges and schools affiliated to it. Has it lowered its standard to suit the educational exigencies of the weakest of its affiliated schools? Why, anyone who knows anything at all about education in this country knows that it has raised the level of every institution connected with it. A friend of mine, a distinguished Roman Catholic priest, who for some time directed the studies at Stonyhurst, told me that the action of the London University upon that school had been quite incredible. When it was affiliated to the London University some 25 years ago, it was miserably below other institutions of its own character and size. And now the right hon. Gentleman the Chancellor of the Exchequer, or anyone else who knows the London University, will tell you that Stonyhurst has been raised up to the level of the very best of its affiliated schools. For my part, I believe that though the Bill does not give Irish Catholics an ideally perfect system of education, it does give a system far superior to any of which they can at present conscientiously avail themselves; and those Catholics who take upon themselves to reject this Bill will only perpetuate, by their own act, the disabilities of which they now complain. In order to comprehend the question of Irish education in all its bearings, it is necessary to remember two things—first, that from the earliest times the Irish have always possessed an intense love of learning; and, secondly, that religion in that country has always proved itself the strongest of all the forces operating upon society. If you desire to elevate the mind of any nation, you must give up the notion of attempting to do so by influences external to itself exercised against its will. In order that a measure for Irish Education should succeed, it is requisite that it should be framed not in the interest of this or that monopoly, or of this or that religious sect, but in a spirit of fair consideration for the conscientious opinions of all classes, and of every section of the people. In this spirit the Bill has been framed. Under it every Irish Catholic who chooses can obtain a University degree, with all the acquirements and advantages of which that degree is the symbol, without the slightest derogation from his ideas of moral duty. I, for my part, am not prepared to take upon myself any portion of the responsibility of refusing such an offer as this. However hard it may seem that Trinity College will begin its career in the new University system organized and endowed, while the Catholic University College will start under very unfavourable circumstances, the whole history of human progress, and especially the history of the Irish Education Question, goes to show that this is in itself no reason to despair. In dark and evil days the Irish Catholics were able to maintain not one but many Colleges in famous Universities. But those Universities were abroad, and now they will have to maintain a College in a National University in their own land. Her Majesty's Ministers have approached this subject under very special circumstances, and have been necessarily limited in their choice of remedies. None of us can have forgotten the cold—and, indeed, hostile—reception given by the Catholic hierarchy of Ireland to Lord Mayo's offer of a charter and a pecuniary provision for a Catholic University, as portion of his general policy of levelling up, and concurrent endowment. I cannot forget that when the present Administration was formed, and received the support of the Catholics of Ireland, the Government made it as clear as possible that they would never suggest any plan of Irish University Education of which denominational endowment formed a part. They have done nothing in this respect but what we all knew from the commencement was inevitable. We all know the pledges on this subject by which the right hon. Gentleman and his Friends bound themselves before the country, and it would be neither reasonable nor creditable to complain that those pledges have not been violated. Looking at the question in all its bearings, believing that this measure has been conceived in a sincere, intelligent, and effective desire to do justice to the people of Ireland, I shall vote that the Bill be read a second time.

Dr. LYON PLAYFAIR :* Sir, I am sure the House must have been pleased by the able speech they have just heard in favour of the Bill, for it is most refreshing to find that there are some persons in the House who do not give it to a hostile criticism. In one respect I agree entirely with the hon. Baronet (Sir Rowland Blennerhassett) who has just spoken—namely, that the measure has been framed in singleness of purpose, and with a full desire to do justice to the Irish people. In the remarks I am about to make, the House will excuse me if, in the double capacity of a Professor and a Member for a University, I view the Bill in its effect upon what Her Majesty, in her gracious Speech, recommended to our attention—the advancement of learning—rather than in connection with the political bearings of the question. I shall do so as reasonably as I can, in spite of the warning which the noble Lord the Chief Secretary for Ireland (the Marquess of Hartington) has given the House, that I am the head of a set of fanatics, whose views are unworthy of attention. In considering the Bill, I have endeavoured to look upon Ireland as a part of this kingdom, not split into sections by religious differences, but inhabited by our fellow-countrymen, who have a right to all the advantages which the State can give them in respect to higher education. I have remembered the circumstances of the country, which render it more important that Ireland should enjoy these advantages without stint or hindrance than either England or Scotland. Ireland has had many obstacles to progress, some political, others material. She possesses scarcely any of those great raw materials of industry which give such advantages to other divisions of our country. She has to import the chief part of her coal from England and Scotland, and that is the mainspring of all industries. With small natural resources, except those for agriculture, it is above all things essential that the intellectual resources of Ireland should supplement her deficiency in natural resources. As civilization progresses, science and knowledge, applied to production, become more important factors than the mere possession of raw materials. Not only then as regards industrial development, but also to increase the fund of intelligence among the youth of Ireland, so as to give them outlets for employment, which the restricted industry of their country does not afford, I gladly accept the conclusion of the right hon. Gentleman at the head of the Government, that a case is made out for a further development of the University system. I am not about to split up the case into the discussion whether there is or is not a religious grievance in Ireland. Such a discussion is apt to produce false issues. But I must at once decline to follow the Prime Minister into his mode of presenting the intellectual deficiencies of Ireland to the House, because if we accepted his views of what University education is, and what it is not, I think no more serious blow could be struck at the prosperity of two poor countries like Scotland and Ireland. If the Universities in these countries are to be upheld merely or chiefly on account of their Faculties of Arts, and if academic productiveness be measured by their Arts degrees, and not at all by their success in training men for professional and industrial life, you may as well give them up altogether as institutions for national amelioration. In such a case your Universities would slip away from the bulk of the people, and would become the monopoly of the rich. For not only in Scotland, but also in Ireland, the people even now are more largely represented in Universities than in England. In England there is one University student to 3,700 of the population; in Ireland there is one to 2,800; in Scotland there is one to 860. If you desire Ireland to make her Universities send their roots deep down among the people as Scotland has done, you can only do so by making them bear directly upon the occupations of the people, whether these be professional or industrial. In doing so, you do not desert, but you revert to University tradition, for most of the ancient Universities were founded with the specific object of liberalizing the professions. The right hon. Gentleman (Mr. Gladstone) was surprised that there was a tendency in Ireland for Arts students to decrease. There is no peculiarity in that, for the same thing is to be found in all countries, and more especially when they are poor. Why, even Oxford and Cambridge can only keep up their Arts students by an incessant increase of scholarships. The great difficulty of Universities is to induce students to remain in the preparatory Faculty, in consequence of the increasing struggle for professional and industrial existence. The right hon. Gentleman did not sufficiently distinguish between students on the rolls and those in true academic attendance, for in Ireland these mean very different things. I shall not go further back than the foundation of the Queen's University in 1850, to illustrate my meaning, because I have not before me the means to do so. I must, however, explain that the nominal students of Trinity consist of two distinct classes. One class is in actual academic attendance at the College, and enjoys the advantages of a regular University *curriculum*. The other class of students is merely registered for examination; they do not attend a single lecture, and reside either in the provinces or in England. By referring to page 68 of the Dublin University Report, it will be seen that in 1851, the year after the foundation of the Queen's University, out of 1,217 undergraduates on the roll of Trinity, only 361 attended lectures during Hilary, which is the average term. Of these I am informed by the authorities at Trinity that not more than 150 were students who did not intend to prepare for holy orders. Last year there were only 958 undergraduates on the roll, but those attending lectures had increased to 460, and of these 420 were laymen. In addition to those actual academic students in Trinity, you have those studying at the Queen's Colleges. Their number last year, after deducting the students preparing for the Presbyterian ministry, was 682. Add both the numbers together, and we find that in 1871 there were 1,102 lay students, in the sense in which we understand students in the English and Scotch Universities, as against 150 in 1850. Surely this is an accession of academic activity in 20 years that ought to satisfy a nation. Desultory cram has declined, but has been replaced by a regular *curriculum* of University study. If we take students of all classes on the roll without distinction, as the Prime Minister did, even then the result is not unsatisfactory, for while there were 1,217 students on the rolls in 1851, there are 1,703 now. Now, let us test the fruition of the system by Arts degrees, although I deny that is a fair test. So far from having failed in these, Ireland stands higher than England and Scotland. England produces 750 Arts graduates annually, or 1 to 30,000 of her population; Scotland produces 130, or 1 to 26,000; while Ireland produces 338, or 1 to 16,000 of her people. I cannot, therefore, either on the ground of any failure of true academic students, or of their want of fruition in academical culture, even according to the limited definition of that adopted by the Prime Minister, see any ground for discouragement as to the existing University system in Ireland. When I grant the case for a further development of the University system in that country, it is not because the present one has failed, but on the broad ground that it is most important for Ireland to increase her intellectual fund, as a compensation for her poverty in the natural resources of industry. It is surely a significant fact that, since the establishment of the Queen's University, the lay academic students in Ireland have increased seven-fold, and that the proportion of her Arts degrees to the population is so much higher than that of England. If the Prime Minister failed to observe these facts, it is because he has not noted the difference between students on the roll and those in true academic attendance, or how importantly the Queen's Colleges have acted by their competition in stimulating academic study, and in diminishing the vicious custom among the Irish youth of being satisfied with the results of cram as a preparation for examination. Yet, now that Ireland has nearly cured itself of that evil, this Bill proposes to plunge into it once more by establishing a single University to which the students may come up for examination without any academic *curriculum* at all. This practice was only tolerable in Trinity College as a means of enabling Catholics to obtain degrees without going through a College which was essentially Protestant; but it is intolerable in a single National University, whose very object it is to be open to students of all creeds. It may be argued that the London University requires no *curriculum.* That is true, but it only furnishes one-tenth of the graduates in Arts that the other English Universities do. Hence it is a mere supplement to academic teaching. But in Ireland the system will not only supplement but is likely to supplant actual academic teaching, as it in fact once did, until the Queen's University stimulated the Dublin University by its competition. And this Bill destroys competition and establishes a University monopoly. If we confine our vision to a single function of Universities, a case may be made out against the Queen's Colleges. But if you admit that they fulfil their true functions when they lay the scientific basis for professional and industrial occupations, then it cannot be questioned that they have understood their mission in a poor country, and have fulfilled it well, for, go where you will, in the scientific services of the Army, in the Civil Service of India, in the professions, in manufacturing industry, where knowledge and science are required, you will now find many *alumni* both of the Dublin and of the Queen's University.

Sir, I have had the honour to lay on the Table a Petition signed by 131 out of the 141 students of Galway College, praying your honourable House that this College may not be suppressed. As they have chosen me as their advocate, allow me to say a few words on their behalf. The case must be a strong one to justify the extinction of a College which is the only one in the West of Ireland. At present you have Dublin College for the East, Cork for the South, and Belfast for the North of Ireland, but if you suppress Galway College, the whole of the West of Ireland is left destitute of means of higher culture for its population. There is no part of Ireland where such a college is more important. In Munster and Ulster the populations are much larger and wealthier than in Connaught, and the towns of Belfast and Cork are flourishing from their commercial enterprize. In Connaught, on the other hand, you have the little town of Galway, with 13,000 inhabitants, maintaining with singular vigour its College. Galway has decreased in population in twenty years by 10,000 persons, and yet its College has not decreased, for in 1861 it had 144 students, and in 1871 it had still 141. Small as this number may appear, it is larger than any of the 17 Colleges in Cambridge, with two exceptions, Trinity and St. John's. I will not follow the right hon. gentleman into the money appraisement of each student, for I am sure that he does not attach much importance to that line of argument. He would far more willingly rest the question upon the quality of the work done than upon its quantity or its cost. As to the quality of work done, there is no question that Galway at present stands at the head of the three Colleges. I call in witness the estimate of a severe critic in the last number of *The Dublin Review.* That writer says, "Galway is an extremely favourable specimen of the Queen's University." This statement is fully justified; for, at the last University examination, out of fifteen first-class honours awarded to the three Colleges, Galway, the smallest numerically, won no less than seven. In competitions for the public service, Galway College has always held a conspicuous place. I have therefore shown that while, educationally, Galway College is a decided success, numerically it can scarcely be considered a failure. But it is chiefly because it has thoroughly fulfilled the intention of Parliament that I plead for Galway. Our intention was to found Colleges in which the inhabitants of Ireland might study irrespective of their religious creeds. Belfast has scarcely succeeded in this point of view, for out of 368 students, on an average of 10 years, only 19 have been Roman Catholics. But with Cork and Galway the principle of united education has flourished. Out of 1,536 Roman Catholics who have entered since the foundation of the Queen's Colleges, nearly 1,400 were in the Colleges of Galway and Cork. It is true that Galway and Cork are much disliked by the clerical party in Ireland, yet that is not because Roman Catholics do not frequent them, but because they do. No doubt if Galway College be suppressed it may not wholly be lost to education, for Clause 21 provides for its sale, and the College, with museum and library, may fall on easy terms into the hands of the Roman Catholics alone, and be converted into a diocesan seminary. But such a result could scarcely be agreeable to the advocates of united education, or to Parliament who founded the system.

I now pass to the fundamental proposal of the Bill before us, that is, the concentration of a double into a single University system. For my own part, I am bound to state that decentralisation, instead of centralisation, would have much more commended itself to me. I think Ireland should have been treated like Scotland, and that two good provincial centres of academic life should have been established, one at Belfast, and one at Cork, just as we have four independent Universities in Scotland. But putting aside my own proclivities altogether, I desire to consider whether it is for public advantage to take away that healthy competition between two Universities which has produced such a large increase of true academic lay students in 20 years. Some real and substantial advantage must be aimed at. What is it? Conciliation to the Catholics of Ireland, which can only be obtained by material compromises. I am, Sir, advanced in years; but I am a young politician, and perhaps I am not sufficiently developed in the system of making compromises. If, however, we succeed in conciliating the Catholics, we gain a great end. But suppose that we fail in this conciliation, what do we lose? You are shaking to the centre a system that I have shown is doing its work admirably, and we are creating a monopoly of University work without competition, which we must at least take care is constructed to do as well as monopolies ever do. One cannot prophecy what the future of University education in Ireland will be; but at present there are four Protestant students to every Catholic. The scheme of the Government can only commend itself to us if, while it does justice to Catholics, it does no injustice to Protestants. One thing is certain, that the right hon. Gentleman at the head of the Government has bestowed infinite care and anxiety to balance two opposite systems—the system of united education and of denominational education. He has skilfully introduced into one system those Colleges which, like Belfast, Cork, and Trinity, work mainly on the united system, and those which, like Maynooth and Magee Colleges, work on the denominational system. Supposing we admit the policy of centralisation, then it was wise to take the University of Dublin as the basis of that system. Much criticism has been bestowed on the manner in which the relations of the University and Trinity have been adjusted. If I understand these relations, it appears to me that in no part of the Bill has such skill and sagacity been displayed as in their adjustment. But unless both the University and Trinity grasp these relations aright, and work in harmony, the most injurious consequences will follow. It is clear that Dublin, with 700 or 800 students, cannot support two competing teaching institutions. Like the Kilkenny cats, they may so devour each other that nothing but their tails will remain—the tail of the University being an Examining Board, and that of Trinity mere tutorial teaching—both resulting in unmitigated cram. But I fancy it is in the mind of the framers of the Bill that the teachers of the University and the teachers of Trinity should not compete, but mutually supplement and support each other. In that case Trinity would actually benefit, because its students could attend the lectures of Professors, and thus be compensated for the excess of the tutorial system which now prevails at that College. And its funds being relieved by this Professorial staff, it could use its endowments for practical teaching and research in a way highly advantageous to Ireland. It might then build large laboratories for physical, chemical, and biological teaching and research. I should hope to see it the home of mental science and history, which this Bill discourages, and a place for philological studies in the manner in which they are now pursued in Germany. If Trinity College understand, and is willing to fulfil, this new mission of acting, not in a sulky independence, but in a hearty co-operation, with the new University, and if the latter value Trinity as she deserves, higher education, at least in Dublin, will benefit by the changes contemplated. What Dublin gains, the Provinces are likely to lose, unless the relations between the University and the provincial Colleges are most skilfully arranged. As the whole merit of the Bill depends upon this feature, let us examine it carefully. What are the securities for the high condition of the affiliated Colleges, and for their being always contributors to higher education in Ireland? The 2nd clause gives to the University Council unlimited powers to affiliate any institutions, and to declare them to be Colleges of the University. We are to start the Act by filling the blank Schedule No. 1. What Colleges the Government propose to place in that Schedule I do not know; but the Prime Minister mentioned four by name, and we may assume that these four at least will be included. They are the Catholic University, Maynooth, Magee College, and Trinity. To none of these, on the general principles of the Bill, can just exception be taken. The Catholic University is a well organised institution, with a cultivated Rector, eminent Professors, and good means of instruction, and though, in all its Faculties except medicine, it does not contain 50 students, there is no reason for supposing that under a good University system it will not increase sufficiently to be an active working College. To Maynooth College there is less exception still. It is a large Ecclesiastical College, with 500 students, and excellently conducted as a seat of clerical training. Its Principal, Dr. Russel, is a man who well deserves the high encomium which he received from the Prime Minister, and its Professors are men of learning and culture. It will be a powerful accession of strength to the new University if Maynooth really send its pupils for Arts degrees. The Bill, however, does not provide security for graduation, but simply contents itself with giving privileges to the Colleges that send students to pass the matriculation examination, which is a mere test of school teaching. For a long time the chief chance of an accession of Catholics to the University can only be through those preparing for the priesthood, for that profession absorbs the surplus of those found in the secondary schools, but not represented in the University. I should hail such an accession as the greatest proof of success of the new University, for it is most important that priests should have liberal culture. But are you sure that the policy of the Church of Rome will make Maynooth or other clerical Colleges in Ireland contributories to your roll of graduates? The recent manifesto of this Catholic hierarchy is not encouraging. If Maynooth contribute graduates, then it ought to be represented on the University; but if it stop at matriculation, it has no right to a share of Government in higher education. The right hon. Gentleman makes one little step forward in the modifications which he announced on Monday evening, that the Colleges sending matriculated students would have to promise to send them for further examination. What is such a promise worth? The idea of representing Colleges on the ground of schoolboy proficiency is radically bad, and no share of Government should be granted to any College, lay or ecclesiastical, until it has won that right by adding graduates in sufficient number to the University, as a pledge of its contribution to and interest in the promotion of higher education. The proposal to affiliate Magee College is only a compliment to the supposed denominational demand, and as a balance to limited education. So many stones have been thrown at it that I will not add to the heap. Yet, surely it is strange that higher denominational education languishes so much in Ireland, if there be such a demand as its promoters allege. The right hon. Gentleman must have satisfied himself of the reality of this demand, otherwise he would not make such gigantic changes in the University system of Ireland. But I have never been able to convince myself of its reality. If 40,000 Catholics are pining for Catholic University education, as my friend Dr. Lyons states in the pamphlet quoted by the Prime Minister, how is it that only 47 are to be found in the well-appointed University in St. Stephen's Green? If the Presbyterians desire a College of their own, can rich Presbyterian Ulster not send more than eight students to the Faculty of Arts at Magee College? These are not practical evidences of a deep desire for denominational education in Ireland. The united Colleges have increased lay education seven-fold in 20 years, and the denominational Colleges, for whose sake we are to uproot an old University system, and plant a new one, drag on a miserable and languid existence. But the Prime Minister may justly say that there are Catholic Colleges in abundance in Ireland, and that these wait for affiliation. It is true that among the 47 intermediate schools of Ireland, all managed by Bishops or clerical orders, such as the Jesuits and Carmelites, and Fathers of the Holy Ghost, there are 19 Colleges which have cost from £5,000 to £30,000 to build. Most, if not all of them, are of the rank of Colleges which the University of London has affiliated, and we must recollect that University has gradually raised its list of affiliated Colleges from two to forty. Well, even with the new restricted powers to be introduced into this Bill of the approval of the Crown before affiliation is accomplished, I have little doubt that these 19 Colleges will soon be on the list of the Dublin University. The Crown in this case means the Government; and existing Governments, whether Liberal or Conservative, are easily subjected to pressure by Irish politicians, and would yield readily on such a question, especially when it would be urged that it would be unjust to refuse 19 Colleges to the Dublin University, when the London University has already affiliated 40. The Roman Catholics naturally expect this, as I will show by quoting from a work recently issued by a Committee of Roman Catholics on Irish Education, a work which originally appeared in the columns of *The Freeman's Journal*. I quote from page 273—

> "Intermediate schools naturally culminate in a University. Without a kindred University our Catholic intermediate system, complete as it otherwise is, would be a mere headless trunk."

To this, I cordially assent; but I by no means assent to the proposition of the Bill that because a school or a College can send 50 boys to pass a matriculation examination that therefore it should share in the government of a University. And especially objectionable is this when all the managers of such Colleges are clerical. I care not whether they are Roman Catholics, Presbyterians, or Episcopalians, such a preponderance of clerical management in a secular University would produce bad results. But I mainly object to the scheme because its certain result would be, as all past experience proves, merely to give an impulse to diocesan education, not to promote higher University education. Bishops are apt to look upon education from a diocesan point of view. If Carlow and Clongowes flourish, that will be a compensation for the failure of the Roman Catholic University in St. Stephen's Green. But that would not satisfy Roman Catholic laymen, who know, though it is not successful as to numbers, that institution gives a much higher education than a diocesan seminary. Let me quote the apprehensions of a distinguished *alumnus* of that University (Mr. Fottrell), who says—

> "I shall be very much surprised if in this poor and intensely religious country, where the training of University education is scarcely yet understood, the majority of Catholic parents do not try to obtain for their sons, at £60 a-year, in Clongowes, Tullabeg, and Carlow clerical Colleges, what will be called, and will be generally thought, to be a 'University Education,' instead of sending them to Trinity or the Catholic University, where it would cost more than double the amount to obtain that which could just as easily be obtained by studying at Clongowes. . . . . . I think the self-styled Liberals in education would, on religious, as strongly as I would on academical grounds, deplore the passing of any measure which would substitute Clongowes and Carlow for Trinity and the Catholic University."

The Bill would, I contend, do exactly what Mr. Fottrell points out. And it has no limit to its action. Acting on the precedent of the London University, which affiliates Colleges of St. Patrick at Carlow and Thurles and St. Kryan's, so might the Dublin University cross the Channel, and affiliate the Catholic Colleges of Stonyhurst, Ushaw, Oscott, Hackney, and others, on the excuse put forward in the little book from which I quoted, that Irish go to them to be educated. Do not let the House believe it is an unsupported notion, if these Colleges become affiliated and govern the University by their representatives, that the only result likely to follow is mere school and not University education. It has been an unfortunate principle of action among those excellent educators, the Jesuits, not in one country but in every country, that it is better to finish the education of young men in schools rather than risk their faith and morals in Universities, which, by treating youth as men, sometimes disturb the simple faith of children. This system has entirely ruined higher education in France. The University of France is nothing but a collection of Lycées. It is true that it has Professors of higher subjects; but they only have as pupils those who intend to be teachers in the Lycées. French thinkers attribute much of her recent misfortunes to the failure of her University system. Still you need not cross the Channel for a proof that affiliated Colleges do not necessarily increase academic education. The London University, starting with two affiliated Colleges, gradually increased them, as I have said, to 40; but though her matriculations have about doubled in 10 years, the numbers of graduates remain nearly the same as they were at the beginning of that period. The increased action of the London University on school life, as displayed by augmenting matriculation, is effected without injury to University training. Who would dream of giving a seat in the Senate to each affiliated school of the London University because it sent 50 matriculated students? The Senate is composed of men of high learning and position, who, if they have a fault in administration, err on the side of severity, not laxity, in their academical arrangements. But what would happen if the numerous affiliated schools and Colleges of the London University sent representatives to its governing Senate, as this Bill proposes to do in the case of the Irish University? Of course the standard of degrees would soon be reduced to the level of the schools, because it would be against their interest to keep degrees to a level which they could not attain. This must be the inevitable result of a school-governed University as that in Dublin must soon be. A University which is intended to raise the education of affiliated Colleges will inevitably be lowered to their standard by this system of schoolboy representation. This result has followed in France, where the graduates in letters and science are looked on as lads with good school certificates, but not of academic rank.

The House has been very patient with me, and I shall try not to trespass on its time much longer, but there are two subjects which I cannot pass over. The first of these is the practical exclusion of Mental Philosophy and Modern History from the University of Dublin. I say practical exclusion, because, though they are left as barren branches, the fruitful branches of the tree of knowledge are the only ones likely to be plucked in a poor country like Ireland. When a student can win a Fellowship worth £1,000 by classics, or mathematics, or natural science, he is not likely to study the subjects for which mere honour is reserved. And as a consequence of their discouragement in the central University of Dublin, Mental Philosophy will languish and soon die in the provinces. For though it is taught in the Queen's Colleges, students are not likely to attend lectures on subjects not required for the degree, and excluded from the emoluments of the University. And before many years are over, a future Prime Minister will point to the Philosophical Chairs as failures, will indicate the cost to the State of the few students who attend them, and will suggest their abolition altogether. And the discouragement and extinction of logic, metaphysics, and moral philosophy, are to be the result of our legislation regarding a country which has produced Berkeley, and Hutcheson, and Burke! But need we give these discouragements? I quite see, and to some extent sympathise, with the difficulties of the Government. *Philosophia theologiæ ancilla* is certainly no longer true, and I am not surprised that the Catholic Bishops advise students to avoid flirtations with the old handmaid of the Church. They once tried to induce the University of London to help them in this discouragement, and the minute relating to this question was written by the great historian Grote, formerly a Member of this House. He pointed out that there was a great difference between knowledge and acceptance of doctrines. It is a tyranny to conscience to force a man to believe anything; but it is no tyranny to ask pupils to know what is believed by others. A University that discourages knowledge has no title to academic distinction among the Universities of the world. The solution of the difficulty is easy. Make Mental Philosophy and Modern History alternative subjects of equal value with others as regards emoluments, and allow the student to select them or not as he pleases. The field of knowledge is too wide to be traversed by all, and a degree in which they are not included may still be a good and worthy degree. No one would suffer by this, and free criticism would enable the students to judge truth far better than exclusion. I presume that Mill, and Bain, and Herbert Spencer, are philosophical authors who are not loved by Catholic Bishops; but have not the ablest critics of the Experience school of philosophy been Mahaffy, Monck, and Abbot in Trinity College itself? Leave to Ireland intellectual independence, and Ireland will know how to take care of herself. But do not, by the practical exclusion of subjects, as this Bill suggests, give to her a University which would be pointed to with scorn by all Europe as an example of obscurantism. I cannot pass by the anti-theory section of Clause 25 without remark. To my mind it is simply an amazing proposition; for to refuse discussion of theory is to suppress the study of science. It is urged that theories are variable and not fixed. No doubt. Theories are the leaves of the tree of science, which, while they last, draw nutriment to the parent stem, and when they fall, still provide by their decay materials for the new leaves or theories which are to succeed them. Theories are merely finite perceptions of infinite truth; and to encourage the student to decline their discussion with his teacher or examiner is to ask him to look only at the bare and leafless tree of knowledge, in the expectation that he may be repelled from it by its very unattractiveness. Now we come to a further point—the censure and deprivation of Professors under Clause 11. The exclusion of certain subjects of knowledge, coupled with this censure, doubtless arose from the desire of the Government to push the spirit of conciliation to its furthest limits. But when this spirit of conciliation is forgotten, the spirit of submission to ecclesiastical power will remain, and will guide the University in its dealings with subjects and with men disagreeable to the Roman Catholic Church. We cannot avoid seeing in such provisions a practical yielding to the arrogant pretensions put forward by the cardinal Archbishop and Bishops in 1866, when they demanded authority over Professors, books, and students. This 11th clause, the noble Lord the Chief Secretary for Ireland tells us, draws its precedent from the legislation regarding the Queen's Colleges, in which, if the Professors purposely introduce religious or political controversies, the Lord Lieutenant, as a high officer of the State, could deal with the offender. These statutes are essentially different, for Clause 11 puts this power in the hands of a Council of a composite character, largely recruited from clerical bodies, and certain to have diverse opinions. And the offence is not restricted to the audience of the Professor, but is extended to "any member of the University." Nor is it his prelections alone which are to come before this inquisition, for his writings and works, if used for academic purposes, are to be examined by the inquisitors. In the present state of science, no Professor, with dignity to himself or to his subject, could work in such a University. It is incompatible even with the fundamental idea of University existence. Let me quote two authorities. Bluntschli, in his well-known work on Universal Constitutional Law, thus writes—

> "The University requires scientific self-dependence; for the higher science unlocks itself only to complete mental freedom. For this its corporate self-dependence is an excellent foundation."

And Breal, writing in Catholic France, says—

> "The true liberty for higher education is the liberty for the Professor to teach what he believes to be true."

Now I proceed to condemn this interference with teaching, not by my own arguments, but by the infallible authority of the Popes themselves. Pope Clement V. issued a Bull for the foundation of a University in Ireland. This Bull is dated 13th July, 1311, and in it this Pope, with all the wisdom and force of the head of his Church, declares that he founds—

> "A general school in every science and lawful faculty to flourish there—that is, in Dublin—for ever, in which masters may freely teach, and scholars be auditors of the said faculties."

This wise Pope knew that Professors ought to have freedom of teaching, and that scholars should be auditors, not trying to trap them. The statutes of that intended Dublin University still exist, and seem to have been framed partly by Archbishop Lech, and partly by Archbishop de Bicknor. At all events, they were issued with full authority, and contain a remarkable passage in regard to the Chair of Divinity—

> "We will also that we and our successors may appoint a secular regent in divinity, or one of what order of religion we please, who for ever in time to come may actually read lectures on the Holy Scriptures in our church of St. Patrick, without challenge or contradiction from any person whatsoever."

These liberal Bulls and statutes were only consonant with the general liberty accorded to all University teaching. Two centuries later Bishop Hall contended for this perfect liberty in a letter to Pope Urban VIII. He says—

> "If that great Chancellor of Paris were now alive, he would freely teach in the Sorbonne, as he once did, that it is not in the Pope's power to hereticate any proposition."

I am sorry that in discussing new statutes for a Dublin University in 1873, in the reign of our enlightened Queen Victoria, I am obliged to refer to more liberal statutes in the old Dublin University in the reign of Edward II. No doubt it may be contended that times are changed, and that men of science have become too bold to go down on their knees before the Church, like Galileo, or humbly to offer to burn their books, like Descartes. It cannot be denied that science is apt to look at things in too materialistic an aspect, but the remedy for that is to give the freest scope to the mental sciences. Yet this Bill limits, if it does not exclude, metaphysical and ethical subjects, and thus forces the student to be one of two things—either a bigot or an infidel. I have said that I object to this exclusion of subjects, to the tongue-tying of Professors, and to the encouragement of academic dissent on the part of the students; and I do so because science, whether mental or natural, can only breathe and flourish in an atmosphere of liberty. There is no use denying it—science and ecclesiastical authority over private judgment cannot respire in the same air. Science must grow in the light which comes direct from the Creator; it is dwarfed and dies if the light be intercepted by a Church, and then be feebly reflected upon it. The whole history of science tells you this. It is not the dogmas of the Roman Church which prevent science from flourishing in Catholic countries. It is the ecclesiastical authority exercised over private judgment. Protestant ecclesiastical authority is just as injurious as Catholic authority. The rigid Calvinistic authority which controlled education at Geneva from 1535 to 1725 strangled science, and not a single discoverer of note came from thence. Since 1735, when education was emancipated, Geneva has been illustrious for the number of its scientific discoverers. Spain, on the other hand, which still encourages ecclesiastical authority, is an utterly barren land for science; but Italy, since she began to assert the spirit of free inquiry, is adding to its discoveries. The fact is, free inquiry is the mother of science; but when she allies herself to timidity that fears the clashing of intellectual results with spiritual authority, nothing but a stillborn progeny can come from such an ill-assorted union. These timid compromises between free inquiry and spiritual authority do not please the cultivated Catholics of Ireland. I have had a remarkable communication made to me by the present and past students of the Roman Catholic University in Dublin, who state, while they widely differ from me on religious grounds, they approach me on academic grounds. In this document occurs the following passage:—

> "These things show the absurd lengths the principle of compromise is carried in Ireland, and now they want to carry it further by enacting one clause which will gag Professors, and another which will drive Modern History and Philosophy out of the University. If these subjects are driven out, the students will also be driven out, for surely a University in which neither Philosophy nor Modern History is taught would be an absurdity, and people would not care much for its degrees. The difficulty as to Philosophy and Modern History could easily be met by founding dual chairs as in Germany."

This outspoken passage is, I think you will admit, independent and manly.

I have not said all that I wished to say about the probable operations of this Bill, but I cannot trespass longer on the attention of the House. I have been free in my criticisms, because the subject is vastly too important in its consequences to Ireland, and to this kingdom to be made the field of temporary compromises and facile concessions. The right hon. Gentleman at the head of the Government knew this when he devoted his high talents and energy to the solution of the question. Whatever may be said in the heat of debate or in party spirit, I am sure that the House at large admits the singleness of his purpose, and the strong desire manifested in every page of the Bill to preserve united education, and yet to give free development to denominational education. But it is a most difficult operation to make oil and water co-mingle without future separation. If the Bill do not settle the question firmly, Ireland forms a fine field for faction fights. This House has over and over again affirmed the policy of united education for Ireland, and I hope will not abandon it or undermine it by injudicious legislation. We are told that a whole nation demands the separation of Catholics and Protestants in teaching. I deny it, and will give the proof. I admit that the present Roman Catholic priesthood in Ireland claim spiritual direction of education in a fashion which no great Power in Europe would tolerate, and which never was tolerated in Universities even before the Reformation. But what I aver is that the Roman Catholic laity have not always been submissive to these spiritual claims, and have urged Parliament to refuse them. The principle of united education was once as dear to the laity of Ireland as it still is to the Liberal party in this House. Grattan himself presented a Petition in its favour from the Roman Catholic laity, and in this remarkable Petition it is said—

> "That the greatest misfortune which could overtake a nation would be the separation of the youth of the country into two classes, one confined to one religious College, and the other to a different one."

And in 1845 that illustrious Irish Member Sheil, whose memory is still venerated by Irishmen of all classes, spoke on the subject in words of force and eloquence. He said—

> "I coincide in thinking that education in Ireland should be mixed—I mean secular education. We must in manhood associate in every walk of life. . . . and if thus, in our maturer years, we are to live and die together, shall we be kept apart in the morning of life, in its freshest and brightest hours, when all the affections are in blossom, when our friendships are pure and disinterested, when those attachments are formed which last through every vicissitude of fortune, and of which the memory survives the grave?" —[3 *Hansard*, lxxxii. 358.]

These are eloquent and wise words. It is because I feel that this Bill is thoroughly honest in its wish to preserve united education, though in competition with denominational education, that, much as I dislike many of its provisions, I do not intend to record my vote against it. United education is dear to the Liberal party, and should be its guiding star when we are in Committee. We ought to do nothing injurious to the development of denominational education for those who prefer it; but we must not give to those outworks the means of conquering the citadel that has been built. Religions which were intended to unite men in eternity ought not to separate men in time. The experience of Ireland, in its mixed Colleges, and that acquired in most other Universities in Europe, has taught that union in secular education softens religious asperities, teaching men to love each other and co-operate for the common weal. Let us not, then, loosen a principle which has been the hope, the belief, and the bond of union of the Liberal party. The Bill, as it is framed, does not strengthen that principle, but as it leaves the House it may do so. I have shown, by the testimony of the past, and by the opinions of the Catholic students of the present day, that there is a deep current of liberal feeling among the Roman Catholic laity. Ultramontanism and the great Catholic religion are not convertible terms. The Bill has been framed with a desire, not to yield to, but still to conciliate, the Ultramontane party. It has failed to do this, and it has not satisfied the Liberal Catholics of Ireland. Ultramontanism always appears to me to be ecclesiastical communism. Communism is the reduction of property to a common level, and Ultramontanism is the reduction of religious spirit and intellectual thought to a common level. But the cultivated Catholic laity in Ireland are not ecclesiastical Communists. If Parliament removes all the educational disabilities under which they labour it fulfils their chief desires. I cannot tell what will be the fate of this Bill, or the form which it will assume when it emerges from Committee. For though it is framed in a spirit of great conciliation and attempts justice, it fails to receive acceptance in Ireland, and it is most difficult to legislate for a people who declare, with singular unanimity, that the legislation does not meet their wants. The reason of this difficulty is, that the two principles of union and separation adopted in this Bill are incompatible as the basis of a single measure. Parliament may go on one basis or on the other, but they cannot build a single building on two separate foundations. The principle of union on which Parliament has hitherto proceeded has not a fair trial, because the religious disabilities which Catholics experience at Trinity College has not yet been removed. Whatever may be the fate of this Bill, I hope that the House will not allow another Session to pass without wholly sweeping away these Catholic disabilities. For three years my hon.

Friend the Member for Brighton (Mr. Fawcett) and myself have co-operated for this purpose, but the exigencies of party politics have defeated us. There is one broad fact in Irish history which should encourage our efforts at educational legislation. Ireland has had many sorrows and many vicissitudes of fortune, but for 1,000 years she has preserved a love of learning. Open up her great academic institutions freely, on terms equal and honourable to Roman Catholics and Protestants alike, without treating them as diverse and irreconcilable species, when both are loyal subjects of a common kingdom. If this were done their love of learning would surmount the temporary ecclesiastical obstacles to its attainment; for Truth is Catholic, and Nature is one. It may be that for a time the priests would frown; but the great Irish people would ultimately appreciate the sense of justice of the Imperial Parliament, and joyfully accept higher education when it is relieved from all religious disabilities.

THE CHANCELLOR OF THE EXCHEQUER: Before I enter upon the arguments which it is my duty to address to the House, I cannot avoid congratulating my hon. Friend the Member for Edinburgh and St. Andrew's Universities (Dr. Lyon Playfair) upon the very able and temperate speech which he has just delivered; and I will show my appreciation of that speech by turning aside for the moment from what I was first going to say, to examine some of the points which he has put to us in the concluding portion of his remarks. In the first place my hon. Friend has solved the oil-and-water difficulty which puzzled him a few minutes ago, because as he warmed in his speech he found the means of mixing those incompatible ingredients. I wish to say a few words upon the question he has raised as to what have been called — perhaps not very appropriately — the "gagging clauses." I may say that these clauses are not of the essence of this Bill. I maintain that these clauses are matters of very high importance, and they are perfectly susceptible of a complete defence; but I need not spend any time in dealing with them, except with the view of answering the arguments of the hon. Gentleman. There is, however, some confusion in the view which the hon. Gentleman took of one of these questions. He says that one particular clause states that there shall be no disqualification for adopting any particular theory to the exclusion of any other particular theory. My hon. Friend in commenting upon that seemed to consider that it was a clause which was intended to prevent mankind from forming theories on the subjects on which they write; and he entered into an eloquent defence of theory and its usefulness. Now, as I read the clause, it has a precisely contrary effect. The object of the clause is that degrees and honours should be conferred for the possession of knowledge, and that if we are satisfied a man possesses the knowledge required he shall not lose the benefit, as far as the examination goes, of such knowledge, merely because he may couple it with a special adhesion to some theory which the Examiners do not approve. In point of fact, the clause seems to me to be founded in the simplest and most absolute justice. A young man may take the trouble to master a subject in all its details, and perhaps from prejudice, or the fault of his instructors, he may, although he has acquired all the knowledge, have been led to form an incorrect opinion, and to take a false view of the value of that knowledge. Now, can anything be more unjust than to say to him that because the Examiners differ from his theory he shall lose all the labour he has bestowed on the subject. This is really the whole matter which has given rise to such an enormous amount of declamation. The clause was introduced into the Bill as a matter of justice, and I hope that the House when it goes into Committee will agree to retain it—for it is quite ridiculous to attach to it all the consequences which have been predicted by some hon. Members. How it can follow that a young man must become either a bigot or an atheist from so simple a matter I cannot conceive. I must also add an expression of my surprise that this should have been designated a "gagging" clause, for it appears to me to be precisely the contrary. We might have confined a Professor to actual knowledge he had acquired; whereas, this clause allows him to open his mouth a little wider, and to give his opinion on the theory connected with that knowledge. Indeed, if there were in the English language a word which is the antithesis of "gagging," it ought to be applied to this clause. Then, there is another clause at which my hon. Friend (Dr. Lyon Playfair) is highly indignant, though his indignation is nothing compared to that of the learned Professor the Member for Brighton (Mr. Fawcett), who says that if such a clause were introduced into the University of Cambridge he would not degrade himself by retaining his Professorship another hour. This is the "gagging" clause:—

> "The Council shall have power to question, reprimand or punish by suspension deprivation or otherwise, any professor, teacher, examiner, or other person having authority in the University, who when in discharge of his functions as a University officer may, by word of mouth, writing, or otherwise, be held by them to have wilfully given offence to the religious convictions of any member of the University."

What is the meaning of the word "wilfully?" It means designedly and purposely—not inadvertently. A Professor, whose business it is to teach a particular science, is bound to respect the religious convictions of his pupils, and not to take advantage of his position in order to introduce into their minds subjects which do not come within his province, nor to deliberately make use of his position in order to wound their susceptibilities. It would be a very serious offence, amounting to a breach of the trust imposed upon the teacher, and it is right that in any well-disciplined University or society, power should be vested in the Governing Body or in the Crown to check such a practice. Now, if this is necessary in all well-governed societies, how much more necessary is it in a University, where, it is hoped, Catholics and Protestants will meet without having any subject of dispute raised between them? This, then, is the second clause, which appears to be of so dreadful a nature and which has been so much attacked by the hon. Member for Brighton and others. It seems impossible for any hon. Gentleman to state correctly the rules with regard to the teaching of the Mental Sciences and Modern History. The hon. Gentleman who has just spoken is no exception to the general rule. Indeed, I do not know of anyone who has stated the case correctly. The explanation of the rule is simply this. The Mental Sciences and Modern History are subjects which can be taken up for a degree, and which will count for a degree. These subjects will also count towards giving a student honours, and yet it has been stated over and over again—by the hon. Member for Brighton for one—that they are struck out of the *curriculum* of the University. I hope that hon. Gentlemen will not take this assertion on trust from me, but that they will turn to the Bill themselves, and I think they will find that I state the matter correctly. There is, undoubtedly, a prohibition against these subjects being used in examinations for emoluments—that is, for Fellowships. The reason is that in an examination for honours or degrees persons may take up different subjects, and having acquitted themselves well, get the same honours and degrees. But in an examination for a Fellowship many contend, but only one competitor succeeds, and it was apprehended that doubts and jealousies might arise if in the case of persons entertaining different views—on the Mental Sciences for instance—the examiners were supposed to favour one candidate more than another. The two parties would be brought into collision, and if one competitor regarded the Mental Sciences in a view more favourable to Catholic theology than that entertained by the other, the unsuccessful candidate might attribute his rival's success, not to his superior ability, but to the circumstance that his theory was more popular with the Examiners. I will next advert to the omission from the list of Professorships, of Moral and Mental Philosophy and Modern History, and in the first place I will remark that we do not diminish the amount of teaching power on these subjects which exists at present. Every one now teaching these subjects will continue to teach them. But we do not propose to add them to the Professorships in the University. The reason of this is very simple. I do not apprehend that any serious evil will arise from these Chairs when they are filled, because attendance on the lectures will be optional, and if the lectures are disapproved by either party no doubt the students will be kept away from them. It is, however, thought that in the earlier stage of the existence of this body it would be very undesirable to throw down before the members such a subject of contention as, for example, the appointment of a Professor of Moral and Mental Science, or of Modern History. It might tend to make a division between Catholics and Protestants, to create ill-blood, and throw an obstacle in the way of the early development of the institution. The reason we inserted all the clauses which have been so severely commented upon is precisely the same. We wished to avoid causes of offence at the commencement. We have not been truckling to Catholic dictation, but, having put our hands to the plough, we desired to form an institution where both Catholics and Protestants may be instructed. Yet never has a proposal which has for its object the peace and good-will of mankind been received with less approach to those qualities than in the case of the present measure. Now having noticed some of the remarks of my hon. Friend, I would ask the attention of the House for a moment to a matter which I think worthy of such attention, though my referring to it may appear a little pragmatical and priggish. In no previous debates has so much confusion been introduced by the use of ambiguous and ill-defined terms. The whole of the present discussion turns upon two words —College and University. In ordinary English a University is a corporate body; associated for the purpose of promoting the highest branches of knowledge, and possessing the power of giving degrees. A College means a society of adults associated for the purpose of teaching and being taught. From these definitions it follows that a University has one quality peculiar to itself—namely, that of granting degrees, and another quality, that of teaching, which it possesses in common with a College. ["No, no;" "Hear, hear!"] Well, I believe the definition is correct. That is why a University can only be founded by the Crown, because the Crown is the fountain of honour, and no one can give degrees without its authority. If that is so, this also seems to me to follow that the great and main excellence of a University must consist in giving its degrees properly. I think we may go a step further, and say the giving of degrees is a judicial matter, requiring just as much care and impartiality and as much disinterestedness as the distribution of punishments. It is a purely judicial matter, and ought to be treated in the same way. It is, therefore, of the highest importance for the interests of education that Universities should be withdrawn as far as may be from any disturbing influence which would lead them to be partial or otherwise than strictly just and fair in conferring degrees. Teaching, on the other hand, is an occupation of a very high and noble character, but is subject to the same rules as other occupations, and if I have made myself intelligible to the House it will result from this little essay that in teaching you cannot have too much competition—competition producing excellence in this as in other businesses—while you can hardly have too little competition in conferring degrees. These are the principles which I believe lie at the root of this matter, and having endeavoured to state them as clearly as I can, I will now proceed to inquire how they may apply to the state of education in Ireland. But I will first apply them to show that this is no mere verbal distinction—not a mere criticizing vein—but that confusion arises from not attending to it. I take as a document on which to experiment the Petition to this House of the University of Dublin. The first paragraph of that Petition states that—

> "The proposal to replace the two existing Universities by a single central University, with a monopoly of granting degrees, is opposed to the principle of competition, and if carried into effect would lower the standard of academic excellence."

Now, I apprehend that if there be any justice in what I have urged exactly the contrary is the fact. Whatever advantages Trinity College or any other place of teaching may derive from competition with another, the advantage from competition in degrees with any other institution can lead to nothing but evil. It necessarily results in a Dutch auction—in trying to under-sell each other, learning being sacrificed in the process. I now come to the second objection. The petitioners say—

> "We are confirmed in this view by the results of such a system—that is the monopoly of granting degrees—in France, where the effects of its operation are deplored by all learned and thoughtful men, while the beneficial effects of an honourable rivalry are acknowledged by all candid minds."

Here there is the same fallacy—honourable rivalry in conferring degrees. But let us look at the case of France—we have heard a good deal of the University of France in this matter and of its practice as being condemnatory of one principle of the Bill—namely, the principle of a single University with different Colleges under it. But it is most extraordinary how extremely little seems to be known of the University of France. Allow me to state one or two facts respecting it. It was founded by Napoleon in 1808, and was intrusted with absolute jurisdiction over all education—primary, secondary, and high-class education. Nobody was allowed to have a school of any kind except under its licence and sanction. It existed until the year 1824 —16 years—and was then turned into a Government department. Since that time, as far as I can learn, there has never been a University of France. What happens, then, in France? There is a Minister of Instruction, with a Council to assist him, and the country is divided into 17 lyceums, which give degrees under the direction of the Minister. If the matter stopped there, there might be some analogy between that and a single University, but it does not stop there, for what happens in France is this —that besides having a monopoly of conferring degrees, the Minister absolutely appoints every single teacher throughout the country, directs what the pupils are to be taught, when they are to be taught, and how they are to be examined. Every single thing is fixed by an iron centralization, and, of course, the consequence is that the whole intellect of the country is kept in fetters, and that anything like progress or originality, as far as law and usage are concerned, is a matter of impossibility. What resemblance is there in this to gathering several Colleges under a single University? Remember, moreover, that Ireland has only a seventh or eighth of the population of France. Having dealt with this point, I would now invite the attention of the House to the grievances as they exist, which render this Bill necessary. They are of two classes—one class consists of the grievances which arise from the defective state of education in Ireland; the other from peculiar hardships imposed on Roman Catholics. My right hon. Friend the Member for Liskeard (Mr. Horsman) thinks the mere removal of tests would do away with all the grievances that exist in the Education of Ireland. Let us see how far his opinion is borne out by the conditions of the problem, as I understand them. We have first, in Ireland, the extraordinary anomaly of Dublin College and University—a thing I suppose the like of which has never been seen before. It is unnecessary to describe it, for it was graphically described by my right hon. Friend at the head of the Government in his opening speech. He said the College was enslaved by the University. I should rather say that the seven Senior Fellows enslave both College and University. They establish a complete oligarchy under which both equally groan, a sort of constitution which, whatever be the merits of its administration, and whatever be its historical traditions, I hold to be a discredit to the country; and one is surprised at the public spirit of men who could submit so long to such a yoke. All emoluments and power are gathered into these few hands. That is one grievance of the most striking and startling nature, and the House will no doubt think it calls for immediate redress. Then, of course, there is the denominational question—the question of the tests which excludes other than members of the Episcopalian Church from the receipt of emoluments in the University. I do not insist upon that, because it is admitted on all hands that it must be abolished, only it being so admitted, I regret that the hon. Member for Brighton (Mr. Fawcett) in consideration of the surrender of that which it is quite clear the College could no longer maintain, should be anxious to give them in exchange *en permanence* a constitution which would certainly maintain Protestant ascendancy and probably ecclesiastical ascendancy in Dublin College University at least for 50 years to come, and probably much longer. I have no trustworthy information on which to criticize the teaching of the University, and it is not necessary that I should enter upon any such criticism, for there is no attempt to affect any serious change in it. The case is very different when I come to the Queen's Colleges. Like my right hon. Friend (Mr. Horsman), I have always been anxious, if possible, to have a system of combined education; but the circumstances under which it appears to have been carried on in the Queen's Colleges are not of a favourable description. I do not intend to cast any serious blame upon the Colleges; no doubt they have had a most difficult position to maintain, They have been under the ban of the Catholic Church, and have naturally been anxious to do all in their power to keep themselves in existence and before the public. It would be very harsh and unfair to be too strict in inquiring into the methods they have adopted to secure that end. I must, however, call attention to some little revelations we have with regard to the state of education in those Colleges — a state which my right hon. Friend the Member for Liskeard and the hon. Member for Brighton are content, as I understand, to leave alone, and which has received so much eulogium in this House. In the first place, there is no matriculation examination by the Queen's University, and I believe the matriculation examination for the Colleges themselves is exceedingly slight. I will give reasons for that belief. In 1857 there was a Commission to inquire into the Queen's Colleges and University, and the Vice Principal of Cork College was examined on oath. He was asked whether, according to the system on which the matriculation examination was conducted there, it was perfectly possible for an examiner in any distinct branch to report a man as a total failure and yet for the Council to admit him upon their own judgment, however arrived at. He replied—" Perfectly possible, and it is a constant practice." [Mr. BOUVERIE: What is the date?] The date is 1857. I might mention one or two earlier instances; but I do not rely on them, because it is quite obvious, as it strikes my right hon. Friend, that though it may have been the case at first, it may have been corrected since. I will show him how that is presently. In 1858 Professor Melville, of Queen's College, Galway, confessed to the Queen's College Commissioners that he must honestly state that if there were no scholarships and no exhibitions they might as well shut the doors. But I will not dwell on that—that is, no doubt, a long while ago, and things may have been set right since. I go on to different evidence with reference to Galway College; and I do not cite it with reference to the continuance of Galway College, nor with the view of unduly depreciating the Queen's Colleges. My whole object is to show the unsatisfactory state of the present system, and the necessity for some interference with them. I do not wish to be misunderstood upon this point. Although there are many circumstances connected with them, I am aware that much allowance should be made for them, seeing the enormous difficulties which they have to encounter. A Professor of Galway College went to America and delivered some lectures there which he published in the form of a book on his return, and from that work I will read a few extracts. The first is—

"I have, furthermore, had the good fortune to be called to a chair in a University where the Professoriate is in full, vital, and vivifying action. Have my duties been essentially altered?" —the gentleman was before a schoolmaster— "Not in the very slightest degree. I have been for the last three years fulfilling the identical duties performed by me for 12 previous years with my senior classes in Dunedin."

Again he says—

"I had expected to have very different work when I came to Galway. I was re-assured to find that the chair I was called upon to fill was just such a chair as I had filled to my own comfort for 12 long years. In fact I was still—what I am to this day—a schoolmaster."

Here is another extract—

"Many of my first year's students come to me almost utterly innocent of Greek. For a few weeks they are engaged in mastering declensions and conjugations. As soon as the accidence is tolerably well mastered, I begin to read with them some such easy works with *viva voce* translation as the 'Apology' of Plato. By and by they will hear me read a book of *Homer*."

I will not trouble the House with more extracts. What I would remark is that these are examples since 1868, and therefore have a very strong bearing upon the present time. I appeal to the House whether such a state of things as is described by that gentleman is satisfactory, and whether it is satisfactory that we should have a University to which young men come scarcely knowing their letters in Greek, and having everything to learn. I should like also to know what the Governing Bodies of these Colleges are about that such a state of things should be allowed to exist. I go no further than this—that they show that the state of these Colleges is not satisfactory, nor one which we ought to acquiesce in as a permanent state of things. If we really have at heart the good of Ireland, our duty is, if possible to raise the standard of learning, and at any rate to make it worthy of a University, and it were better that these Colleges should not be quite so fully attended as is boasted by my hon. Friend the Member for Edinburgh University (Dr. Lyon Playfair) than that they should be attended by youths who ought to be at school for some years longer. That is one grievance which has been complained of. Then there comes the case of the other grievance which has been the grievance of the Catholics, which I do not wish to enter into at large. There is no doubt that, gloze it over as we will, these Colleges have not had the success which it was so fondly hoped they would have. It is melancholy to read the prognostications of success which were made by men of the greatest eminence and sagacity when the Bill establishing them passed this House and to compare them with what has been realized. I will mention a single passage from a person extremely well acquainted with Ireland, and whose opinions will receive weight in this House. It has also a curious bearing on the question before us. Lord Palmerston said, with reference to the Bill establishing Queen's Colleges—

> "I agree entirely with those who consider this Bill as only a foundation which requires a superstructure in order to make the plan complete. It will be found absolutely necessary to establish some central point, probably in connection with Trinity College, Dublin, which will combine these different Colleges into one University, and will, if possible, connect Trinity College with it as a component part.—[3 *Hansard*, lxxx. 408.]

That was the view of Lord Palmerston in the debate of 1845 on the establishment of these Colleges. No one who has studied the matter can speak otherwise than with the highest respect and admiration of the plan which was then carried through Parliament and which had apparently every chance of success, which was well devised and executed with great spirit and courage, and no doubt if the valuable life of Archbishop Murray had been prolonged, greater success might have resulted. Now they had to struggle not only with the difficulties of establishing a new system but with the difficulties that are thrown in the way by the opposition of the Irish Bishops who have succeeded in greatly circumscribing the good effects which might have been expected from these Colleges. I cannot pretend to deny that the good effects hoped for from the Colleges have not been realized. I am now upon the question of what is our duty in the existing state of things. The question is, are we to sit down content with the repulse we have received, and are we to acquiesce in the present state of things, or are we, having set up these Colleges to strive still further to carry out the object for which they were instituted? This is really the question now before the House. It is a momentous question, and upon the answer to it depends the Bill, and very likely for many years to come the future of Irish education. I am not going to say one word disrespectful to the Roman Catholic clergy with regard to their action in the matter. They have their views on this subject, and we have ours; and, unfortunately, the longer we live the further our views diverge. The more our views tend towards undenominational education, the more theirs tend towards the extreme of denominational and ecclesiastical education. No one can regard this fact otherwise than with the greatest regret, especially when it is remembered that while we are quarrelling the unfortunate youth of Ireland are paying the penalty. I did look somewhat anxiously to the right hon. Member for Liskeard for counsel on this question, but I confess I have had considerable difficulty in interpreting the oracle with which he favoured us. He gave us two or three different responses. In the first place, he said that this Bill was introduced upon the assumption that the Roman Catholic Bishops would assent to it, and that if they had done so he would have accepted it also. That was the right hon. Gentleman's first declaration. The next statement of the right hon. Gentleman was that the Bishops having intimated their dissent from the Bill, he was furious with us that we had not withdrawn it. I ask whether it is possible for any Gentleman to be a more devoted servant of Mother Church? Why, she must have the complete control and mastery over his conscience; he only asks what the Bishops say, and as they say he does. This is certainly rather surprising on the part of the right hon. Gentleman, but we do see strange things in the course of our lives. But the third statement of the right hon. Gentleman was more extraordinary still — and it is rather surprising after that abject profession of obedience to the dictates of the Church — his third statement was that no power should induce him to have anything to do with denominational education. Although desiring to frame my course in the light of my right hon. Friend's knowledge and experience, I extremely regret that from these oracular deliverances, I am not able to suggest to the House any course which we can follow. The question really comes to this—I think the House will agree with me that we can scarcely say with truth that the system of mixed education has succeeded; but are we, therefore, to give the matter up in despair, or are we to try and do the best we can under existing circumstances? There are many in this House I know who hold the opinion that in endeavouring to do the best we can to educate the middle and higher class of Catholics we are merely making a base concession to Rome. I submit, however, that they are wrong, and that it is our duty to try our best as far as means will allow. In my opinion we should regard the disposition of the Roman Catholic Bishops as we regard the convulsions of nature, such as an earthquake, a storm, or a famine, or anything else—as something which cannot be helped, and must be made the best of—we cannot avoid it, must adapt ourselves to it, and deal with it as best we can. We had, however, better not take the the third course which the right hon. Gentleman pointed out, and, because we are displeased, annoyed, and vexed, give up the matter in despair—at all events, not while the slightest hope remains. I do not say this with any wish to conciliate the Irish Bishops, but in order that we may take such steps as will enable us to offer University education of the highest class to the youth of Ireland who are now without it. The practical question before us is, how can we best accomplish this object. What is their complaint which we are disposed to recognize, and which we believe to be well-founded? Their just complaint is this—that the Roman Catholics are prohibited from obtaining degrees if they are educated in a Catholic University or in any of their own institutions. This complaint arises from the conditions which are imposed upon those seeking degrees. The condition we impose at present is that the person receiving a degree must have studied either in Trinity College or in one of the Queen's Colleges. That condition was imposed with the best intentions, but it is evident that we cannot educate the youth of Ireland if that condition be preserved. We cannot prevent the Irish Bishops from issuing such orders as they think proper, neither can we eradicate from the hearts of the students the feelings of veneration for the Bishops and the fears of a future life which act upon the people and make them obedient to their spiritual rulers. Under these circumstances it is our duty to look to Ireland and see what she requires, and to waive the deterring condition which we now require—namely, residence in either Dublin University or the Queen's University and to substitute for it the condition that candidates for degrees shall simply pass the examination of the Universities. That we can do without any sacrifice of principle and without any dishonour. We have no reason, I think, to despair that this change will have the effect of accomplishing what we have in view. The great end we have in view is to break down the barrier that now separates the Catholic upper and middle classes from University education. I now come to the next part of what I have to say, and to point out the remedies for existing evils which I think the Government can advise. I have pointed out that state of things is mainly owing to two matters—namely, the imperfect state of the Queen's Colleges and Trinity College, and the difficulties that are still thrown by the agency of the Roman Catholic Bishops in the way of the Catholic youth attaining degrees at the national University. The remedies are contained in this Bill, and I think they are perfect for the purposes for which they are devised. Trinity College, we propose, as the House knows, to divide into two parts—into a University and a College; and by doing this we are not guilty of any spoliation, and the only question is as to a fair division. We propose to give power to Trinity College to reform itself. As to the Queen's Colleges, the course we recommend is to place them under the University, which, having Trinity College under it, will be strong enough to keep up the Colleges, and place them on the same footing. It may be a hard lesson, but it is necessary that it should be done. The next business is to give to non-residents the power of passing to the Universities. This will really offer a very fair chance of getting over a difficulty in which we are involved. There is, of course, the case of the affiliated Colleges, but they have very little to do with this part of the question. They are not properly called affiliated Colleges, but Colleges included in the University. The only effect of including Colleges is not to give any sort of preference above those persons who are not in such Colleges, but simply to give such Colleges the power of sending a member to the University, and to enable them to give such information as the Governing Body may require for its own purpose. It is not the desire or the intention of the Government that these Colleges should have any important power on the constitution of the University, and if it shall be found that they acquire, any that will be a cause for future action. It is clearly possible that in passing through Committee some steps may be devised to effect the necessary action. We could hardly have expected the kind of criticism to which we have been subjected. We make a fair offer to the youth of Ireland, and to those who are interested in their welfare. We offer to young men a chance of obtaining instruction, of passing a matriculation examination, and obtaining a bursary of £25 a-year, and other emoluments as they proceed in their education. We offer to them the choice of coming up to Dublin to be taught the very best that can be taught, and we provide for them a home at a very small expense. We offer to them the use of a splendid library and a museum. We hold out to Catholic youth a place in Dublin where they may receive the best instruction without any danger to their morals or religion. We offer to the poorer class of students, like that which has been found so valuable in Scotland, the means of taking some sort of employment in Dublin to eke out their scanty means. Of course it may be said you only offer these things to be refused again; but let us hope that better counsel will prevail. At any rate, after having exhausted all the means in our power, we can only fold our arms and hope for happier and better times. I have little more to say. As to the objections that have been urged against the Bill, it seems to me that many of them have been destroyed in the course of the discussion which has taken place. Some hon. Members have said that it has too much centralization, others that it has too much localization. Some have said that it is all in favour of Protestants, others that it is all in favour of Catholics. Some objections are of more weight, but are really matters for Committee. I must take notice of a very remarkable speech that was made the other night by the hon. Member for Brighton, and which I have no doubt produced an effect upon the House. A few things which he said I think require an answer. He said that this was the first time an admission was made that University education in Ireland was not in a satisfactory position, and that a certain class were suffering under a grievance. Well, if you do not take our plan, what is the alternative? It is the plan of the hon. Member for Brighton. But his plan would simply remove tests from the University of Dublin; it would do nothing in the shape of getting rid of the grievance of Catholics. It would place the government of Trinity College in the hands in which it is now placed, and would perpetuate that government for an indefinite period of time. The reason why the Government has again and again refused to entertain the Bill of the hon. Gentleman is that it would do nothing to remedy the grievance. [MR. FAWCETT: My Bill would not only abolish tests, but it would also reform the Colleges.] The hon. Gentleman wishes to reform the Colleges, but the reform of the College has nothing whatever to do with the present University. The Bill of the hon. Gentleman does nothing whatever for the Queen's Colleges; it does nothing whatever to remedy the grievance of not being able to obtain degrees, under which Catholics labour; but he contents himself with plagiarizing the Oxford and Cambridge Bills. Then the hon. Gentleman is also a sinner in the same way as the representative of the University of Dublin. He says that three or four Colleges get on together better than one, and are mutually beneficial. I will put to the hon. Gentleman two cases to test that theory. Everybody knows that, owing to Archbishop Laud, each of the Colleges of Oxford became a separate University and had the power of conferring a University degree. The effect of that was that there was no examination for degrees; the Colleges gave degrees away without examination; and that continued till the beginning of the century, when the University element revived, and the Colleges were put under the strictest rule, and from that moment Oxford has risen gradually to her present great eminence and glory, and this solely because the University has been made one, instead of being divided into several. The other instance is one with which we are all familiar. In the time of Queen Elizabeth a system of legal education was carried on in the Inns of Court; moots and disputes were conducted with great vigour. The Judges in an evil hour delegated the whole power of carrying on the system of legal education to the Inns of Court, and what was the result? Examination as a preliminary to the granting of the degree of barrister ceased altogether, and a man was left to eat his way to the Bar like a rat through a cheese. We have been very severely criticized on this question. We have had, I confess, more hostile criticism than we expected; but we have no right to complain of that. There is always the consolation in such matters that when men prove false there are faithful spirits whose sympathy and kindness relieve from every pain. There are Abdiels who will not leave their friends in the darkest hour of adversity. There is one hon. Member of the House, whose sympathy with us I feel unequal to express, and would, therefore, for that purpose, take the liberty of resorting to words of a bard of Erin—

> "Come rest in this bosom, my own stricken deer,
> Though the herd have all fled thy home is still here;
> Here still is a smile that no cloud can o'ercast
> And a heart and a hand all thine own to the last."

The House will see that I am not too high flown in the panegyric I give when I read a brief extract from this letter—

> "Mr. Gladstone has introduced a measure of University education that does him great honour, and when perfected by amendment in Committee and it takes its place in the statute book it will be a noble crowning to the work of the present Parliament. We must all resume its consideration with an earnest desire to acknowledge the large and generous spirit with which the Government has addressed itself to the subject, and co-operate with the high purposes it has in view, and as the erroneous impression conveyed by Mr. Gladstone's allusion to Sir Robert Inglis and the Pope could not pass without notice, I have written this letter with a view of getting it out of the way before we come to the real business.'

[Mr. HORSMAN: What is the date of the letter?] The date is 7, Richmond Terrace, Feb. 15, and it is signed Edward Horsman. I have read the House the letter, and in the early part of the evening they have been furnished with the comment. And now I will only say this —Whatever faults you may find with this Bill, I believe it will be recognized by the country as an attempt to deal thoroughly with what appears to me to be a great and a crying evil, and one which ought no longer to be allowed to exist. We have encountered a great deal of opposition, and shall, no doubt, have to encounter still more; but I am very much mistaken if behind this storm we do not receive an acknowledgment from the people of these Islands of the honesty and fairness of the intention of this Bill —an acknowledgment which will brush aside all captious criticism, and help to make it, in the language of my right hon. Friend the Member for Liskeard, the crowning work of the present Parliament.

MR. GATHORNE HARDY: Sir, I regret very much that at so late a period of the evening I should have to trespass on the attention of the House; but I trust that hon. Members will extend me some forbearance while I endeavour to deal with this Bill and the great questions it raises. The right hon. Gentleman the Chancellor of the Exchequer, who has just sat down, has left us very much where we were as regards the essential principle of this measure. He has told us several things which are not of its essence, but he has studiously avoided —as the right hon. Gentleman the President of the Board of Trade did earlier in the evening—any attempt to direct our attention to those points which, in the opening speech of the Prime Minister, were spoken of as vital to the honour and existence of the Government. As to the right hon. Gentleman the Chancellor of the Exchequer, we all knew his view before. In that portion of his speech in which he appeared to throw some energy of purpose, in which he dealt with the question of an examining Board as against a teaching University, and contended for one against many Universities, he was on a subject with which we are all familiar; but his contention in favour of one over a plurality of Universities was disposed of by the hon. Gentleman the Member for the Edinburgh University, and to that speech the right hon. Gentleman attempted no answer. With regard to that point, is it the right hon. Gentleman's opinion that we should be better off if Oxford and Cambridge Universities were done away with and absorbed in the London University? Is his opinion in accord with that of the noble Marquess beside him (the Marquess of Hartington), who says that on this great question it is absurd to look to Ireland alone, and that we are to include the English and Scotch Universities in the means open to Ireland for the higher education. Is it the opinion of the right hon. Gentleman that the London University should absorb the four Scottish Universities? For if this principle of one examining Board be so good, let him carry it out in principle, so that the London University may send its travelling board to show its wares in every part of the United Kingdom, to bring about those results which the right hon. Gentleman fondly anticipates from an examining as compared with teaching Universities. But we hear from the hon. Member for the University of Edinburgh that, so far from the establishment of the Queen's Colleges and University in Ireland having had a detrimental effect upon Trinity College, it has stimulated the Dublin University to fresh exertions, led to the establishment of new lectureships, and in every way conduced to the advancement of the interests of higher education. It is, therefore, of no use to resort to the theory of an Examining Board, for if you wish it to be transferred to Ireland it is there already. We have heard that certain Irish Colleges are already affiliated to the London University, and that its Examiners have come to Dublin to examine students of the Roman Catholic University, so that if an Examining Board be such an excellent institution, and if it be better in its unity than in its plurality, I cannot see why that University cannot do the same work for Ireland that it does for England, India, and the Colonies. I am not going to enter into a discussion with the right hon. Gentleman as to the qualifications of the different Colleges; but when the right hon. Gentleman tells us that in the examination for matriculation there is no Greek, I may remind him that within the last six weeks the University of which he is so distinguished a member has done away with the examination. [The CHANCELLOR of the EXCHEQUER: They have made it optional.] The right hon. Gentleman says that they have made it optional; and when it is optional with gentlemen who come up, and do not know Greek, we may be pretty sure of the result. The right hon. Gentleman says that the two things which he has more particularly taken under his charge are defective education in Ireland, and the grievance. With respect to defective education, however, he said not a single word. He spoke of denominational education, and said that it would be done away with, and that we were to take it for granted that the Dublin University would be an open University. He then said that he could not attack the education at the Dublin University; and if that be so, why does he seek to alter it? Now, it is with respect to the mode in which the Dublin University is treated that I base my main objections to this Bill. With regard to the quotations made by the right hon. Gentleman, and relating to the years 1857, 1858, and some, I believe, since 1868, they are, as I understand, all collected in *The Dublin Review* in an article written with considerable animus against the Queen's Colleges. When he condemned the Queen's Colleges, he said that the College of Cork was worse than that of Galway; but we have heard from the hon. Member for the University of Edinburgh to-night that the College of Galway has been doing a good work, and has contributed a number of first-class men, and men who have taken honours. Now, it may be supposed—and it is a natural supposition—that, as I have never concealed my opinions with regard to denominational education, that I should favour this measure because it to a certain extent favours that system. I supported the proposal made by my noble Friend the late Lord Mayo with respect to Irish education, but that was at a time when endowment was the rule. Since that time, however, the Irish Church, the grant to Maynooth, and the Presbyterian *Regium Donum* have all gone, and, as I understand it, the meaning of the House in doing what it has done in these directions was to sever itself for ever as a State from showing any partiality to denominations; from offering a hand to one denomination in preference to another, or from recognizing religious differences at all in Ireland. That I understood to be the meaning, and I think I could quote many passages from the speeches of the Prime Minister in confirmation of that view. Am I, then, reduced to this—that as a Member of the Legislature of the country, finding myself on ground bared of everything—I am to take no part in what is be done? I repudiate that position, and come to look upon Ireland in the condition to which you have reduced her, and in a condition in which, so far at least as this Parliament is concerned, she is intended to remain. The question of University education arises immediately in connection with what has been done in regard to those three institutions, and it is impossible that Trinity College and the Dublin University can remain in the same condition in which they were before the Church fell; and it has been so understood by the University itself, for after the Church was abolished, after the change which took place with regard to Maynooth, and after the *Regium Donum* was done away with in 1869, my hon. Friend the senior Member for the University of Dublin (Dr. Ball) stated that, on behalf of the University, he was prepared to assent to the Bill of the hon. Member for Brighton (Mr. Fawcett). The right hon. Gentleman at the head of the Government, though in somewhat obscure language but with a very decided intention, in his speeches in Lancashire prior to the Election of 1868, expressed himself in the strongest language with respect to some enormous grievance which Ireland laboured under in regard to education and Protestant ascendancy, and promised redress. Those passages the right hon. Gentleman never explained in a manner which the House could understand till 1871, when, upon the introduction of the Bill of the hon. Member for Brighton, he said that something further required to be done with respect to University education in Ireland, and described more particularly what he regarded as the Roman Catholic grievance. And it is rather a curious thing, in looking back to those speeches, to find that this vast, complicated, and difficult subject was looked upon by the right hon. Gentleman as one so easy of solution that he could dispose of it, when the time arrived for him to do so, in a manner which would at once be accepted by all candid and reasonable men. He said it seemed to him to be a question on which twelve intelligent, reasonable and unprejudiced men put together in a room ought speedily to arrive at the principles of a just and satisfactory settlement. He added that he alluded not to the academical question alone, but to the controverted part of the subject. Yet fifteen Gentlemen of the highest talent in the country have been sitting in a room in Downing Street I do not know how many times, nor for how many hours, and the result is that they have produced a measure which has met with objections from every quarter. Indeed, the right hon. Gentleman—if I may say so—stands like St. Sebastian, pierced on every side by his friends and by his foes, every shaft having been drawn from the quiver of his own Bill. The fifteen Members of the Cabinet have brought in this Bill, and notwithstanding they have had the advantage of the council of three more than the dozen, their Bill has lost favour as it has become known. Surely the letter of the 15th of February, to which the Chancellor of the Exchequer has referred, was written before the right hon. Gentleman (Mr. Horsman) had read the Bill?

MR. HORSMAN: I asked my right hon. Friend when he was reading from that letter to give the date. It was Saturday, the 15th of February. The Bill was delivered on that morning. By the courtesy of the Prime Minister I had a copy on Friday afternoon. Between that afternoon and Saturday, the 15th, when I wrote the letter, it was impossible to read the Bill.

MR. GATHORNE HARDY: On Tuesday evening the Prime Minister described a speech of the hon. and learned Gentleman opposite (Mr. James) as "bewildering." What a bewildering speech must that have been which so beclouded the acute intelligence of the right hon. Gentleman opposite as to induce him to write the letter he has penned, when on looking into the Bill itself he found it altogether different from his expectations! I now come to what is said to be the great grievance in this matter, and what I have to submit to the House on this point is this—that the grievance is one, if you take it in its full extent as stated by the Roman Catholic Prelates, which this House cannot meet, and which I believe no House in this country ever will be able to meet. But, if it be taken in the sense of a grievance for lay Roman Catholics, I believe it can be met quite as effectually without the destruction which is involved in the Bill, and by means which are consonant to the feelings of those who, like myself, are not at all prepared to destroy an existing institution which has worked well, for the sake of creating a new one for the working of which we have no security at all. Now, with respect to the proportion of those who require University education in Ireland, I will not enter minutely into the controversy; at present it is clear that the Protestants who avail themselves of University education are in the proportion of four, or four and a-half to one. I do not at all assume that this is a proper proportion; but I see statements in works of authority, from which it appears that whereas in the case of the population of Ireland the entire Roman Catholics are in the relation to Protestants of three and a-half to one, in University education the Protestants are in relation to Roman Catholics of three and a-half to one. I do not know whether that is so or not, but I see it stated in the works of authority which I have consulted. But, be that as it may, you have to deal with a population on both sides in this question of higher education, and you must endeavour to deal fairly between them; and in the present circumstances of Ireland you are obliged to deal with the question on what I call the bare, and mean, and disagreeable principles of secularism. It seems to me that you have nothing left but that. And in dealing with it, what do you propose to do? You propose to destroy two Universities. ["No, no!"] I hear some one say "No." It seems to me the clearest thing in the world; the Queen's University is to be absorbed into something which is not created; something is to be created which is to absorb that University, and something is to be created which is also to absorb the Dublin University. This Bill—I will not use a strong expression—is a delusion when it says it is a Bill for the extension of the Dublin University. For the extension of the Dublin University! For the extinction, ought to have been the term. And how did the right hon. Gentleman endeavonr to get out of that difficulty? He carried us back to the 14th century, and to attempts to establish a University in Dublin, which had failed, and told us he could see a graceful vision of a University appearing to-day, disappearing to-morrow, re-appearing on an after day—visible to no eyes but his own — flitting across the sanguinary scene, of war and turbulence, and bloodshed. But it is not that phantom conjured up by the right hon. Gentleman to which we look; we look to the solid and firm foundation of Elizabeth which has endured to this day, and to those who have handed on the torch of learning in Ireland during all these centuries, and to an institution which has opened its doors and its teaching, if not its emoluments, and honours, to all. And who are some of the men who have been brought up in this great Dublin University? She was the *alma mater* of Burke, greatest of philosophic statesmen; of men of letters like Goldsmith and Swift; of orators like Grattan and Sheil; of divines like Archer Butler, and O'Brien; of mathematicians like MacCullagh and Hamilton; of physicists like Robinson, and Rosse; of Chancellors like Plunket or Cairns. She has acquired an indefeasible title to the veneration and love of Irish citizens. Modern English Judges might have been added to the list, and on the Irish Bench sit men of different creeds who have been trained under her care and competed for her honours. It is this institution which you are called on to destroy. ["No, no!"] It does not suit the interests of hon. Gentlemen opposite to call it destruction. I know they call it extension; but they have to extinguish before they can commence extension. The very principle of this Bill is to extinguish Dublin University in order to create a new one, which is to be composed of different materials, and to be governed by a Council, whose composition and character we cannot even divine. Can you say you do not destroy Dublin University when you combine it with another body which may have greater force than itself? It is absurd to say you are moving in the ancient lines of Dublin University when you are taking such a step as this. Is this a vital part of the Bill? I pause for a reply—as the right hon. Gentleman (Mr. Gladstone) said so many times the other night. We have had from the President of the Board of Trade allusions to certain Councils which are eminently amicable in their deliberations, and from their proceedings he argues that the unknown Council of the projected University will be equally well regulated. But to what Councils does he refer? Have the nominated Councils of Ireland been so satisfactory? The Irish Academy was one instance mentioned, and does he intend to compare a Council of Protestants and Roman Catholics deliberating over an exhumed backbone or a stag's head with a University Council? What argument can he find in the fact that they do not quarrel over a question of archæology? The history of the Supplemental Charter will illustrate this point, and let me remind the House that there are several on the Treasury Bench who had to do with the Supplemental Charter. That Charter was regarded as an invasion of the Queen's University. It was felt by them to be almost destruction, for, by adding a few names, it was proposed to change the whole force and career of the University, and it was proposed instead of enforcing collegiate instruction to allow degrees to be conferred without demanding any such condition. And those who, by virtue of that Supplemental Charter secured illegal seats on the Council, ceased not for a moment, after they got possession of their seats, to vote for themselves and for the changes which they were imported into the Council to effect. Their objects from the first were altogether inconsistent with the first Charter. And if we are not to know the names of the proposed Council, how are we to be sure they will not adopt the same course? Where are we to look for the shadows of these men, which they are to cast before them e'er they come? In the bias of the Bill! What is that bias? Does it lean to the Presbyterians, to the Churchmen, or to the Wesleyans? It leans towards none of these. Are we to see fair play in the Bill? Is it free from one-sidedness? Are the "gagging clauses" meant for the Presbyterians or the Wesleyans? We know they are not. Why do you exclude certain studies? [Mr. GLADSTONE: We do not exclude them.] You do not exclude them; but you cannot deny you discourage them when they are not placed in the *curriculum* of your University. The right hon. Gentleman says they may be taught; but it is at the choice of students to learn, and the University will have no Professorships for teaching these things, and the reason given is because the Council could not appoint Professors without quarrelling. This is a specimen of what the effect is to be. What sort of a Council, then, is this to be? Men signalized by impartiality and filled with the academical spirit? Where are these 28 men to be found who will have this enormous power and yet cannot be trusted to elect a Professor for fear they would fall to loggerheads over him? It may be all very well to look at the fair vision of the right hon. Gentleman, which he saw in the 14th century. It may be before his eyes, but it is not before ours; it is something that we cannot see; it is something to be called up by this Council and by that only, and two or three of them may change the balance and make the whole difference in the election to Professorships and to other positions. For my own part, I am prepared to deal as I think is the best way to do with this question of higher education in Ireland, and I will explain how I think the matter might fairly be dealt with. First of all with respect to that grievance which has been spoken of as the grievance of the Prelates, I am obliged to say that, in its full extent, I cannot imagine any House that could ever fairly deal with it. Dr. Woodlock, a man of great eminence and ability, and who so worthily presides over the Roman Catholic University of Dublin, speaking of affiliation, said—

> "Where is the line to be drawn in the system of affiliation?"—and as a Roman Catholic he shows where the line is to be drawn.—"I answer it is to be drawn so as to secure to the Catholic University the position she is entitled to take at the head of Catholic education in Ireland. Less than this the Sovereign Pontiff will not sanction; less than this the Bishops will not accept; with less than this our Catholic people will not be satisfied.

Is that true? I believe these gentlemen mean what they say; but we are not bound by it, and when they introduce the name of the Sovereign Pontiff, let me point out for a moment what they want. The Roman Catholic University in Ireland was chartered by the present Pope, and he gave his sanction to it. I do not know the contents of the Charter; but I presume it was like the Charter given to what is called the "Bishop's University" at Louvain in Belgium, by which the power is given to confer degrees in Theology, and I believe, in Arts, though in fact for the latter, the students must go to other Universities. But you must remember that when he charters a University, he takes a position from which he cannot well recede, and when he has instructed his followers to resist joint education, on the ground that they belong to a Roman Catholic University set up by him, which is entitled to be at the head of Catholic education, he takes up a position which is such that we must, until he withdraws from it, which he can hardly do, treat this question as subject to the effects of that powerful decree. It seems to me that whether we are in favour of endowment or not, whether we are in favour of recognition or not, such a claim as that is incompatible not only with the principles of the Reformation, but with the liberties of this people as asserted from time immemorial. Now, with respect to the demands the Bishops made for a Charter subsequently to 1866. They demanded that the four Roman Catholic Archbishops should be visitors, and that their position should be supreme in questions relating to religion and morals—that is, that as Bishops they should have a right to pronounce authoritatively upon all these matters, absolutely to put their negative upon any books which might be used, and to place a veto upon any first appointment of a Professor, and so take upon themselves the supreme authority over any University with which they were connected, and they required, though, perhaps they might yield that, that the Chancellor should be a Bishop. If such claims be binding, what would be the duty of any Bishop who might be placed upon the Council under the Bill? It would be perpetually to interfere with what was being done in all things which affected religion and morals. Now, I say it is impossible for us to reach to the extent of this Roman Catholic grievance. But can we not reach as far as this Bill goes without anything like the destruction it involves? In the first place, I take it there is to be no affiliation whatever of the Roman Catholic Colleges under this Bill. And why? Because affiliation is refused upon the very principles I have just now stated. Affiliation is not refused upon the question of endowment only, but it is refused upon the principles laid down by Dr. Woodlock and practically by the Pope himself. Well, if there be no affiliation, you meet no grievance by this Bill which is not equally met—I will not say by the Bill of the hon. Member for Brighton as it stands, but which may not be met by it with some modifications. Then, with respect to the constitution of the Governing Body, I give my voice without hesitation in favour of an Academic Board. I give my preference to an Academic Board, having the interests of the University at heart—bad as the right hon. Gentleman opposite (Mr. Gladstone) says it is—over a Council of which I know nothing, whose names have not as yet been disclosed, and in which, from my experience of Councils in Ireland, I have no confidence. Then as to unattached students, I do not agree with the view of the right hon. Gentleman respecting them. The right hon. Gentleman in opening this case to us the other night compared these students to the unattached students of Oxford and Cambridge, as if they would be on the same footing. But the unattached students of Oxford and Cambridge are within the University. There are special guardians appointed to watch over them, and they are, in fact, as much parts of those Universities as members of the various Colleges themselves. I should be glad to see that part of the system of the University of Dublin changed so that it might have unattached students resident in Dublin, but not scattered throughout the country. But suppose you had them resident in Dublin, then the students of the Roman Catholic University College might, if they chose, matriculate in the University of Dublin, and, though unattached, they would have all the advantages of the University, and there would be no difference made between them and the other students of the University. Again, I need not say that the University of Dublin has a great prestige. But what prestige has this new University? The right hon. Gentleman says that the Queen's Colleges set up in 1845 have failed. The Chancellor of the Exchequer spoke more strongly, and said that their education was most defective. [An Hon. MEMBER: Scandalously bad.] No, the phrase "scandalously bad" referred not to the University but to another institution. The interruption has come from an hon. Gentleman behind me, and I wish to say that I do not adopt it. Well, but to proceed with my argument. The Dublin University gives a complete course of instruction. The new University would give an incomplete course of instruction. The Dublin University has attained a high character. The new one has a character yet to achieve. We have the greatest confidence in the Dublin University, because it is notorious that its fairness has been acknowledged over and over again by the Roman Catholic *alumni* who have found within its precincts all the advantages which they desire to attain. I am not going to enter into the subjects which are to be excluded, degraded, or left out by the new scheme—namely, Modern History and Moral Philosophy. But it is curious, if it be true that

> "The proper study of mankind is man,"

that you should put aside those studies which make man acquainted alike with his outward actions and his internal constitution. I ask, therefore, whether the University of Dublin would not offer all the advantages which a new University offers? Besides, there would be the prestige of its character, its historical career, and its associations with the glories of Ireland. I want now for a moment to follow what the right hon. Gentleman said towards the close of his speech, when he spoke of "founding yourselves on principles upon which you have already acted in the case of the Universities of England." But how have you acted in that case? Have you incorporated Oxford and Cambridge? You have not. Have you changed the Governing Bodies in Oxford and Cambridge? You have, but how? Not by introducing foreign elements and setting them over the Universities, but by improving the election of the Council and then leaving it as academic as it was before. In what, then, have you followed the precedents of the English Universities? You have absolutely rejected it. There are two Universities in England teaching and examining. There is in England also an Examining Board, the London University, which, though it has its residence in London, is cosmopolitan in its character. The right hon. Gentleman cannot deny that it has affiliated Colleges in England, Ireland, and Scotland, and from whatever places students come, it is content to admit them to its degrees. Nay, if they will not come to it, it will go in search of them, for all persons who are ready for admission may be examined on the spot where they happen to reside. Why is not Ireland to be left with its two Universities? What is to justify you in destroying them? I know, when I am saying that, I am speaking against the whole principle of the Bill, if it has a principle. For its principle seems to me to be to separate Trinity College from the Dublin University, because there is in them something of that communion of light which somehow is most distasteful and disagreeable to the Government. I cannot see any reason for this proposed change. It seems to me that the government of the College and the University united is something like one of those new and brilliant lamps where there are two wicks burning with equal light, but the two when joined together make a flame far brighter than double the lustre of each separately. The union of government has, I submit, given the most unalloyed satisfaction, not only to the people of Ireland, but to all who, coming from other parts, have reaped the immense advantages which it has ever afforded. It may be necessary to alter its conditions under existing circumstances and to throw it absolutely open. It is with no aid of mine that we have descended this dreary steep of secularism down which the right hon. Gentleman himself has dragged us. I objected many years ago when the right hon. Gentleman entered upon the slope, at first with faltering steps in the rear of the crowd that lured him on, but soon afterwards he pushed his way to the front, and when he arrived on Irish ground we all remember with what fatal facility he glided at once to the bottom. The Church was destroyed. He shook the dust off his feet from Maynooth, and the *Regium Donum* to the Presbyterians, which was only remarkable for its meanness, was taken away. Everything was laid bare. We are therefore in a position in which we find it most difficult to deal with the existing state of things in a fair and liberal manner. The right hon. Gentleman asks us to establish a new University. We decline, because we say there is no proved incompetency in the Universities that exist. They are ready themselves to extend their doors, to improve their means of education, and carry into effect all the changes which are necessary. The right hon. Gentleman says he does not give any endowment to the

Roman Catholics. That is quite true; but he must remember that certain modes of recognition of denominational establishments may, in the end, give privilege to one over another; and the right hon. Gentleman the President of the Board of Trade to night said to the Roman Catholics, that if they would only assent to this Bill in a few brief years it would do for them all they required.—[Mr. CHICHESTER FORTESCUE: All the education they wanted.]—The right hon. Gentleman the Prime Minister spoke of this Bill as likely negatively to do away with the religious grievance, and positively to bring about academical reform. Now, so far as the religious grievance is concerned, it must be admitted, I think, to have failed as a remedy; and as a scheme for bringing about academical reform, why, the friends of academical reform almost unanimously have pronounced against it. We are asked to take the vaguest statements of the Government with reference to its intentions and objects. We know not the extent of its dimensions—whether it is to be a giant or a dwarf. We only know that this new creation is to be what Sir Joseph Napier called it, a *monstrum cui lumen ademptum*, deprived of the light of religion, ethics, and historic knowledge. That is the ideal of the new University which the right hon. Gentleman wishes us to give to Ireland, which he says Ireland has long desired, which has been often attempted, but which has never yet been attained. The right hon. Gentleman does not tell us what are the lineaments of the image to which he wishes us to bow down. Its form is so indistinct and unsubstantial that you cannot trace it, you cannot scan its proportions—

> "Its shape—
> If shape it can be called which shape had none
> Distinguishable in feature, joint, or limb."

May I not with justice add—

> "What seems its head
> The likeness of a kingly crown has on."

For it is actually proposed to cap this monster with the tinsel coronet of a shifting Lord Lieutenant. Such is the ideal which the right hon. Gentleman would have us fall down and worship. I am not prepared to do so. With regard to the Amendment of my hon. and learned Friend the Member for King's Lynn (Mr. Bourke), I think it has been extremely useful in itself, because it has called attention to the composition of the Council, which is the key to the whole Bill. If that Council is inefficiently constituted—balancing here and conceding there—you will destroy at once the creation you have made. If the Council be in accordance with the powers of the Bill, it will bring the University to a standstill. What, then, are we to do? For my own part, I am prepared, on the ground of its unnecessary and wanton destruction of Dublin University and the Queen's University, to give an unhesitating vote against the second reading of the Bill. I am not to be led astray from that decision by the proposition made by the right hon. Member for East Sussex (Mr. Dodson). I do not suppose that the fifteen men who concocted the measure would consent to send it to fifteen more unprejudiced Gentlemen to consider it upstairs. [Mr. GLADSTONE assented.] I never supposed they would accept that proposition, which indeed has become almost ludicrous from the Notices that have been made of additions to it. I think we may, therefore, stand aside from the question of that Select Committee. Then threats of a certain kind were held out to the authorities of Trinity College by the noble Marquess (the Marquess of Hartington), who, with one foot on Ebal and the other on Gerizim, after the fashion of a well-balanced homily, dealt out his blessing and cursing according as the Bill was to be accepted or rejected. Perhaps, those threats were only intended as a prediction; but such predictions made by those in authority have sometimes the effect of accomplishing themselves. But I have no doubt the authorities of Trinity College have well weighed the consequences and are prepared to risk the calamities of which the noble Marquess, in the most solemn manner, warned them. But if the opponents of the Bill were not threatened, is the House to be threatened? The right hon. Gentleman long before opposition commenced — before anyone said a word against his Bill, spoke of the proposals he had made as vital to the existence and honour of the Government. I think that it is a little hard that one may not vote on what is vital to Ireland without being in danger of voting that which would be fatal to the honour and existence of the Government. I do not know, I have not yet ascertained from any of the speeches made from the Treasury Bench, what particular parts of the Bill are vital to the existence and honour of the Government. Far be it from me to say that any of the points which were notified by the right hon. Gentleman as open to re-consideration and change, were vital parts of the measure. But it is a little hard on us that when we are called on to vote on so serious a question we should not know what are the particular points in which he considers his honour is involved and his existence threatened. For my part, I do not admit that this House is bound to judge of the requirements of his honour, nor is it called on, or in a position to terminate his existence. The right hon. Gentleman and his colleagues for the last two years have been leaving Ireland alone, and I hope, in that interval of peace, she has gained something. During the last two years they have been engaged in providing for themselves a grand tribunal to judge of the merits or demerits of their measures and themselves. They have turned their attention from the House to their constituents, and told them in no ambiguous terms by urging the absolute necessity of the Ballot, that this House of Parliament, though not of course altogether, yet, in a great degree having been elected by corruption, intimidation, and bribery, did not fairly represent the true sentiments of the kingdom. But now they have carried that great measure by which they tell us every man can give his vote independently you can, I suppose, recognize at once what is the decision of the people. The right hon. Gentleman, in a speech which I read to-day made at Croydon, in honour of a distinguished Member of this House (Mr. Locke King) made certain admissions which made me somewhat doubtful how far the principles of this Bill extended either to affect the honour or existence of the Government. The right hon. Gentleman found time to attend that banquet amid his multifarious avocations, although not many days ago he informed his own constituents at Greenwich that it was absolutely impossible for him to attend a meeting at their invitation. ["Oh, oh!"] I think if I never say anything worse of the right hon. Gentleman, his ardent Friends behind him need not be so much alarmed. The right hon. Gentleman spoke at that banquet of his University Bill as a barque which was now in the trough of the sea and might soon be on the crest of the wave; but does he think this measure is likely to be carried to the crest of the wave by this or the other House of Parliament? He told those present at the dinner, as his adherents have boasted elsewhere, that he had had four years of glorious office, and which had been marked by measures of great benefit to the country and for which the country cannot be too thankful. He has in store for the future no doubt, measures of equal advantage to it, and which he probably believes will carry it to a higher degree of prosperity. With respect to the present, if for the present this little barque is in the trough of the wave, if it should be kept there by not receiving a favourable wind from this or the other House of Parliament, the right hon. Gentleman's political existence need not be terminated, for he may have the advantage of visiting his constituency and of enabling the hon. Members of this House to visit theirs. There he may seek the gale to carry his Bill to the crest of the wave. It is not in this House such an issue as this is to be tried. We know perfectly well that since the last election we on this side have been overborne by a large majority on almost all questions brought before us; but the time has now surely come when the right hon. Gentleman, having condemned former elections and having constituted an independent, unbiassed, and incorrupt tribunal may appeal to it, on his past conduct, his present measure, and his promises for the future. I ask him, not here but there, to obtain the decision whether his existence ought to be prolonged or terminated. In the mean time if it should so happen that this measure is to be consigned to an untimely bier, and to have but a short distance from its cradle to its grave, I think I may say that over that grave, Ireland will shed no tear, the friends of academic honour and of high culture will not weep, and it will go down to its unhonoured rest with the natural and perhaps truthful reflection which, without condemnation, and in a very charitable spirit, we may permit the right hon. Gentleman to engrave upon its tomb—"Misunderstood."

MR. VERNON HARCOURT moved the adjournment of the debate.

MR. GLADSTONE said, that for the convenience of Public Business, it was necessary that the debate should stand adjourned till Monday; and he hoped there would be a disposition to go to a Division in the course of the same evening.

MR. MITCHELL HENRY said, he hoped the Irish Members would have an opportunity of being heard.

MR. T. COLLINS protested against any curtailment which would prevent hon. Members from giving expression to their opinions on the subject.

Motion *agreed to.*

Debate *further adjourned* till *Monday* next.

CUSTODY OF INFANTS BILL—[BILL 67.]

(*Mr. William Fowler, Colonel Loyd Lindsay, Mr. Lopes, Mr. Mundella.*)

CONSIDERATION.

On the Motion of Mr. HINDE PALMER, New Clause added.

(Agreement by Father to give up custody for money not valid.)

"Nothing herein contained shall render valid any agreement by a father to give up the custody or control of his children, if such agreement shall have been made for a pecuniary consideration paid or secured to the father."

Clause 3 (Definition of "Court").

Amendment proposed,

In page 1, line 27, after the word "Chancery," to insert the words "or the County Court of the district in which the mother resides."—(*Mr. Hinde Palmer.*)

MR. W. FOWLER opposed the Amendment.

Question put, "That those words be there inserted."

The House *divided* :—Ayes 14; Noes 23: Majority 9.

Bill to be read the third time *Tomorrow.*

House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Friday, 7th March, 1873.

MINUTES.]—*Sat First in Parliament*—The Lord Carysfort, after the death of his brother.

PUBLIC BILLS—*Second Reading*—Poor Allotments Management (20); Local Government Provisional Orders * (26).

Committee—Intestates Widows and Children * (33).

Committee—Report—Drainage and Improvement of Lands (Ireland) Provisional Orders * (25).

CRIMINAL LAW—NEWBURY MAGISTRATES.—QUESTION.

EARL DE LA WARR said, he desired to call their Lordships' attention to an article which appeared in *The Pall Mall Gazette* of the 4th inst. on the case of a poor woman, named Elizabeth Vokins, who had been sentenced by the bench of magistrates at Newbury to 14 days' imprisonment for stealing some brass fittings of a thrashing machine out of a barn. Upon this conviction *The Pall Mall Gazette* added some sarcastic comments. It appeared that the husband of the woman was employed at the low wages of 11*s.* a week, and as there was no breach of trust or other circumstance to aggravate the larceny, he thought the sentence excessive, especially as the Criminal Justice Act gave a discretion to magistrates in such cases. He had given the noble Earl (the Earl of Morley) private notice of the Question which he now begged to ask, Whether the Government would cause any inquiry to be made into the circumstances of the conviction of the woman and the sentence passed upon her?

THE EARL OF MORLEY said, that on the face of the article there did not appear to be any case for inquiry. The punishment did not seem to be excessive; for whether the woman's husband earned 11*s.* a week or only 2*s.* the offence would be the same, and the amount of those earnings would make no difference in the sentence. The Criminal Justice Act gave a discretion to magistrates on hearing the charge, but before the plea was entered. At that stage of the proceedings they might, if they so thought fit, discharge the accused; but once there was a conviction, they must direct punishment. The magistrates generally had a knowledge of the prisoners brought before them and of other circumstances which the writers of articles in newspapers could not have, and if there were inquiries into all the cases on which newspapers made comments, such inquiries would be endless. If, however, his noble Friend thought an inquiry was desirable in this particular case, the Government would direct one to be made.

THE DUKE OF RICHMOND rose to enter his protest against Questions such as that put by the noble Earl (Earl De La Warr) being asked without Notice being regularly placed upon the Paper.

There was an understanding among their Lordships that, except in cases of pressing and paramount importance, questions should not be asked in their Lordships' House without formal Notice.

POOR ALLOTMENTS MANAGEMENT BILL [H.L.] (No. 20.)

(*The Duke of Richmond.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE DUKE OF RICHMOND, in moving that the Bill be now read the second time, said, that its object was to make better provision for the management in certain cases of lands allotted under local Acts of Inclosure for the benefit of the poor. Under the general Act which at present regulated these allotments—the 2 *Will.* IV. c. 42—the management was entrusted to open vestries. When the Act was passed those bodies were usually composed of a small number of persons; now they were sometimes composed of as many as 500 or 600. Such bodies were too numerous for the management of allotments, and the object of the Bill was to provide that where the number of persons entitled to attend such vestry exceeded 20 such vestry might annually appoint a Committee of Members of their own body, not exceeding 12 nor fewer than six, who should exercise all the powers of the authority appointing it. Should the proper authority fail to appoint a Committee as required by this Bill, the Inclosure Commissioners, on application of any person interested, might do so. The Bill applied not only to allotments for the poor under Inclosure Acts, but to field-gardens, recreation grounds, and grounds set apart for any public purpose. He begged to move the second reading.

THE EARL OF MORLEY said, he approved the Bill, and would support the second reading.

Motion *agreed to;* Bill read 2^a, accordingly, and *committed* to a Committee of the Whole House on *Friday* next.

WEST COAST OF AFRICA—THE KING OF THE ASHANTEES.—QUESTION.

THE EARL OF LAUDERDALE desired to direct their Lordships' attention to a statement which had appeared in *The Evening Standard* of yesterday. That paper adverted to the occurrence of another "little war," referring to the fact that few people might be aware that Great Britain was at present engaged in war, and that British territory had been invaded, though it was a comfort to know that in this case the invader was neither France, nor Germany, nor Austria, nor Russia, but the King of Ashantee, and the territory invaded was a portion of our West African possessions in the neighbourhood of Cape Coast Castle. As this statement was not in any of the morning papers it might not be correct; but as he had been a little among those people he wished to know whether it had been verified and whether what had been stated was true, in whole or in part. There had been several affairs with the Natives on the coast lately, especially in the neighbourhood of the Gambia our colonists had been obliged to ask the French to protect them The Ashantees were the most formidable tribe on the whole coast of Africa. We had already waged two wars with them, and they were wars which were carried on in great part by ourselves against ourselves, for our merchants supplied our enemies with powder and muskets until war was actually declared, and these wars had been accompanied by disasters. He desired to ask Whether the report is true that the King of the Ashantees has declared war against the Queen of England, and crossed our frontier at Cape Coast Castle with 12,000 men?

THE EARL OF KIMBERLEY said, it was not quite true that the King of the Ashantees had declared war against Her Majesty; for he was sorry to say that the King had made an incursion into British-protected territory without having declared war or given any notice whatever. The statement referred to by the noble Earl was therefore substantially correct. But he must observe that there was a distinction between British territory proper and the protected territories. What had been invaded was not British territory in the strict sense of the word, because we only held ports on the coast; but we had a very undefined protectorate over a considerable tract of country lying between the Gold Coast and the country inhabited by the Ashantees. He was by no means disposed to diminish the gravity of the attack, for we had had frequent experience of Ashantee invasions, which were always accompanied by a great destruction of property and loss of life. He could not at present tell what was the cause of the invasion. Their last account from the Gold Coast was dated February 4. It stated that the Administrator of the Gold Coast, Colonel Harley, who had recently gone there, and had had considerable experience on that Coast, was not able to satisfy himself as to the cause of the sudden attack. Ever since his arrival on the Gold Coast he had had most friendly communications with the Ashantees, and there was reason to hope that the long course of unfriendly relations with them which had continued ever since the last war, was about to terminate, when the agents of Her Majesty's Government heard that the King had crossed the river into our protected territory with not fewer than 12,000 men. One of the causes assigned for this measure was that a Fetish oath had been sworn by the King of Elmina and the King of the Ashantees that they would attack our territory. That might be true; but it did not explain why the oath had been sworn. Then it was said that the King of Ashantee claimed possession of Elmina, which was ceded to us by the Dutch. That point had not, however, been neglected by us. We had ascertained from the Dutch that they acknowledged no such claim, and we had communicated to the King of Ashantee that no such claim was recognized. The King said he was satisfied, and it was arranged that he should receive a stipend in consideration of keeping the roads open. Then it was said there had been some misunderstanding between the King of Elmina and Colonel Harley. Another and more probable cause was that there had been a disagreement about the payment of certain dues. The fifth cause, and one which he believed most likely to be true, was that a certain chief who had great influence with the King of the Ashantees had been sent away from Elmina and stirred up the King to avenge some supposed injury. Whatever might be the cause, it was unnecessary to say that the attention of Her Majesty's Government was directed to the matter. Several ships of war were on the station or in the vicinity, and he hoped that active preparations had already been made to repel the attack. In reference to the rumour that owing to the want of proper precaution the British Administration at the Gambia had been obliged to apply for the assistance of a French ship of war, he had to say that according to the last account two of Her Majesty's ships had arrived in the Gambia for the protection of the Settlement. He could not therefore admit that there had been any want of due care, or that this Settlement had been exposed to any danger which could be avoided. From the latest accounts he was led to hope that no further attack would be made.

THE EARL OF LAUDERDALE feared men-of-war would be of little use, as it was necessary to have gun-boats specially fitted up for the purpose of going up the rivers of that coast.

THE EARL OF KIMBERLEY explained that the ships of war were not intended to fight the Ashantees, and it was never supposed that they could repel an invasion by that tribe; but the presence of men-of-war, from which marines could be landed in case of necessity, would be valuable. There was at the Gold Coast a detachment of a West India regiment as well as a body of armed police.

House adjourned at a quarter before
Six o'clock, to Monday next,
Eleven o'clock.

HOUSE OF COMMONS,

Friday, 7th March, 1873.

MINUTES.]—SUPPLY—*considered in Committee* —ARMY ESTIMATES.

PUBLIC BILLS—*Second Reading*—Local Taxation (Accounts) * [16]; Local Government Districts (Consolidated Rate) * [84].

Second Reading—Referred to Select Committee—Metropolitan Tramways Provisional Orders (Nos. 1 and 2) * [76 and 77].

Referred to Select Committee—Railways Provisional Certificate * [78].

Third Reading—Custody of Infants * [67], and *passed.*

IRELAND—DUBLIN COLLEGE OF SCIENCE.—QUESTION.

MR. PIM asked the First Lord of the Treasury, Whether the change contemplated in the University of Dublin will affect the College of Science of Dublin in any manner; and, whether he would consider of some arrangement for the resumption of the popular lectures in science which were formerly delivered, first at the Royal Dublin Society's House, and subsequently in the College of Science, then called the Museum of Irish Industry, and which were largely attended by the industrial classes of Dublin?

Mr. GLADSTONE replied that if the hon. Member meant to ask him whether, in the event of the Bill now before the House becoming Law, the measure would injuriously affect the College of Science at Dublin, or limit its action, he was not aware that it could possibly do so. If the hon. Gentleman meant to ask whether the College to which he referred would be a College within the view and meaning of the Bill, he was not able to answer that question. He was aware that the College in question was a Museum of Dublin industry which had been converted into a College of Science, and that it was a very useful institution; but he was not sufficiently acquainted with its conditions of foundation and government to form a judgment as to whether it would be affected by the Bill under the consideration of the House. With reference to an arrangement being entered into for the resumption of the popular lectures in science which were formerly delivered there, he had been informed that those lectures had not been largely attended by the industrial classes in Dublin; but that they had been largely attended by the middle and upper classes of that city, and he had no doubt that they had been of great service. For his own part, he had no means of acquiring information on this subject, but he would refer the matter to the Irish Government, in order to see whether the request of the hon. Member could be acceded to.

POST OFFICE—INSUFFICIENTLY STAMPED NEWSPAPERS.

QUESTION.

Mr. R. N. FOWLER asked the Postmaster General, Whether it is necessary to destroy newspapers insufficiently stamped, when directed to the Colonies; and, whether an alteration could not be made in the regulation which requires that they should be posted within eight days of publication?

Mr. MONSELL, in reply, said, he wished to point out that no means had otherwise been discovered of dealing with such newspapers, for it was impossible to ascertain who the senders of them were. Experience had shown that insufficiently-paid newspapers, if forwarded to the Colonies, would not, in the great number of instances, be taken in by the persons to whom they were addressed, but would be returned to this country, so that the Post Office would have to carry them both ways without receiving anything for so doing. Moreover, in some instances where the papers passed through the United States, a charge would be made by that country. The Post Office took every means in its power to make proper regulations as to the proper posting of newspapers, and also to make these regulations known both at home and in the colonies, and the number of papers so insufficiently stamped was constantly decreasing. The reason why it was required that newspapers should be posted within eight days of publication was to prevent a vast number of newspapers being posted just before the despatch of the mail, which would have the effect of taxing the energies of the office to an undue extent. He could hold out no hope that this system would be changed.

SUPPLY.

Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

DEFENCE OF THE COLONIES.

RESOLUTION.

Lord EUSTACE CECIL, in rising to call attention to the undue taxation now imposed upon the taxpayers of the United Kingdom for the defence of the Colonies, and to move—

> "That this House is of opinion that the time has now come when, having regard to the best interests of the Empire, the taxpayers of the United Kingdom should be relieved from the unequal burden of taxation which they have hitherto borne for Imperial purposes; and that with this view each Colony should be invited to contribute, in proportion to its population and wealth, such annual contingents of men or such sums of money towards the defence of the Empire as may, by arrangement between the Home and Colonial Governments, be hereafter deemed just and necessary,"

begged to state that his object certainly was not to alienate the Colonies from the mother country, or to curtail their defences in any way. On the contrary, he should be very glad to bind more closely those ties of mutual interest and friendship which existed between the mother country and the Colonies, and to see such a re-organization of the land forces of the Empire that those forces might be available at any time for its defence, even for the most insignificant part of it. But in order to effect this object, it seemed to him that one of the first necessities of the case was, that the relations which existed between the mother country and the Colonies, so far as the burden of taxation was concerned, should be founded upon a principle of justice, and that principle, so far as the taxpayers of the United Kingdom were concerned, he had not been able to discover. He had taken some pains to ascertain what the cost of the Colonies had been to this country during the last half century; and he found that in a period of 57 years, from 1815 to 1872, it had been £103,000,000. None of this sum had been expended in keeping up the Navy, which might be looked upon as a proper charge upon the Home Exchequer, but it had been incurred for the civil and military expenses of our 31 Colonies, exclusive of India. If they examined into these figures a little more closely, they would find that about £86,000,000 of that money had been spent since 1845, and about £66,000,000 of it had been expended during the last 18 years. Previous to 1845, the Colonies did not on an average cost the country more, or even so much, as £500,000 a-year, but since that date the average expenditure had been between £2,000,000 and £3,000,000 a-year. In order to fortify himself with official support, he would refer to a speech which was made during the Recess by the Under Secretary for the Colonies (Mr. Knatchbull-Hugessen) to his constituents at the Deal and Walmer Institute, in which that hon. Gentleman said—if he was correctly reported—he found, from a Report presented to that House in 1870, that the cost of the Colonies during the previous year was £3,693,000, but that part of that money was expended for Imperial, and not strictly Colonial, purposes. It seemed to him (Lord Eustace Cecil) that throughout the lecture upon this subject there had been a confusion of ideas in the mind of the hon. Gentleman as to what was the meaning of Imperial expenses. He did not blame the Government for this, because there was a very general idea that Imperial expenses were to be paid by the British taxpayer—although he, for one, had always contended against that theory, being of opinion that Imperial expenses should be borne by the whole Empire, and not by a part of it only. Such great stations as Bermuda, Malta, and Gibraltar were maintained for the benefit of the Colonies as much as for that of England, and therefore the whole Empire, and not Great Britain alone, should be called upon to pay for them. The sum which we now paid for the Colonies was so considerable that it would enable us to pay such a sum as the Alabama Claims every year, or it would enable the Chancellor of the Exchequer to give more agreeable answers to those persons who went to him in reference to the income tax and the malt tax. Whatever had been the theory hitherto in justification of this expenditure from the Home Exchequer, it was now altogether indefensible, because the Colonies were no longer dependencies, but had constitutions of their own. It might be said that the colonial Parliaments had no voice in the declaration of peace or war, but neither had the Parliament of Great Britain in theory. It had only an equal right with the colonial Parliaments to address the Crown upon a question of foreign policy, and surely in these days of steam and telegraphy that right could be as well exercised by the one as by the other. Lord Lytton, he believed, in 1858 wrote a despatch to the Colonies, in which he called upon them to raise local forces for the purpose of defence. A Return which the Under Secretary for the Colonies had kindly given to him showed how far that despatch had been acted upon. Exclusive of India and Canada—which, of course, had forces of its own, and to which great credit was due for having raised forces sufficient to meet any emergency—the Colonies, numbering 27 or 28, had a force of only 25,109, and were scattered all over the globe. Such was the result of a paternal Government. Last year he had brought the question of colonial fortifications before the House. He moved then, on grounds which he thought were sufficient, that the Vote for fortifications at Bermuda should be refused; and he should have more to say this year on the subject at the proper time. In his opinion, so long as English money was spent in this way, so long would the expenditure incurred be enormous. He was aware that there were some military men in favour of a large expenditure upon our Colonies. He held, however, the opinion that military men were quite as ready to run riot in matters of expense as any other class when they were not subject to sufficient control. Now, the remedy for this large expenditure which he proposed, was that the Colonies should be invited to pay, according to their means, for strictly Imperial defences. What was worth having was worth paying for. If our Colonies were to enjoy the privilege belonging to this great Empire, they ought to be ready to bear their fair share of the expense. This was not his own opinion exclusively, for he found the same opinion had been fermenting in the minds of many others, and the object of his Motion was to elicit the view of the House and the Government on the subject. He might quote on the subject from an article which appeared in *Fraser's Magazine* of last February, written by Mr. Cyril Graham, formerly private secretary to Lord Carnarvon, in which he advocated the establishment of one Army and Navy toward which the Colonies should be asked to contribute in a given ratio. Mr. Baden Powell, too, the author of a recent work entitled *New Homes for the Old Country*, was in favour of a federal fleet, and said that a common Army would be a great source of union. The leading journal, *The Times*, of the 16th November, 1872, said that the Imperial integrity should be maintained "upon equal terms," and equal terms must mean that the Colonies should bear their fair share of Imperial expenditure. He might also refer to the hon. Gentleman the Under Secretary for the Colonies (Mr. Knatchbull-Hugessen), who, in a recent lecture delivered during the Recess to his constituents, said that the Colonies must henceforth take, not a Colonial, but an Imperial view of questions, according to their general bearing upon the state of the whole Empire. Lastly, he might quote the authority of Adam Smith, who, writing apparently at the time of the War of Independence with America, strongly enforced the policy of requiring our Colonies to bear a fair share of the burdens imposed for their own defence, and stated that if the British Colonies could not be made to contribute towards the support of the whole Empire, Great Britain had better free herself from them. Considering how wealthy the Colonies were, and how able they were to contribute towards Imperial expenditure, he (Lord Eustace Cecil) thought it time our Colonial policy in this matter was re-considered by the Government. He dared to say it would be advanced as an objection to his Motion that it would necessitate the representation of the Colonies in that House. He confessed he did not see any necessity for such representation. In Austria and Hungary and in Switzerland, considerable sums were raised by independent Legislatures for the purpose of Imperial and Federal defence. We had after all the machinery at hand. The Agents General of the Colonies might be empowered by their Governments to make arrangements with the Home Government as to the quotas of men or money which each Colony should be invited to contribute, and such quotas might afterwards be voted by the Colonial Legislatures. He merely threw out that idea as a suggestion, and if there was a better one he should be glad to adopt it, as he was only anxious that this matter should be considered by the Government. He was most desirous that no suspicion of hostility to the Colonies should for a moment attach to him in making this Motion. He was most sensible of the advantages which the Colonies conferred upon the mother country in promoting her wealth and grandeur, as well as of the fostering care which this country had shown towards them, and which had contributed so much to the wealth of the Colonies themselves. But it was because there existed the joint partnership in interests and privileges between the Colonies and this Empire that he was anxious that there should also be a joint partnership in bearing the burden of Imperial defence. The Colonies were no longer dependencies; they were practically free States, with free institutions. They were not infants in swaddling-clothes; they were not even children at school; but had arrived at the mature age of manhood with all its privileges and responsibilities. They had a splendid future before them, with unbounded resources and enormous capabilities, while we had arrived at, if we had not passed, the meridian of our wealth and power. Was it not time, then, that the Colonies should be asked to contribute their fair share towards the maintenance of our common Empire.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House is of opinion that the time has now come when, having regard to the best interests of the Empire, the taxpayers of the United Kingdom should be relieved from the unequal burden of taxation which they have hitherto borne for Imperial purposes; and that with this view each Colony should be invited to contribute, in proportion to its population and wealth, such annual contingents of men or such sums of money towards the defence of the Empire as may, by arrangement between the Home and Colonial Governments, be hereafter deemed just and necessary,"—(*Lord Eustace Cecil,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. R. N. FOWLER said, he wished to explain the reasons why he could not concur in the Motion of the noble Lord (Lord Eustace Cecil). It appeared to him that as it stood on the Paper it implied a different object from that which his noble Friend had in view. At the conclusion of his speech the noble Lord said he was most anxious to preserve our connection with the Colonies, and recommended an appeal to the Colonies to contribute towards Imperial taxation; but he (Mr. R. N. Fowler) submitted that the Motion as it stood was not likely to effect that result. He thought that if such a demand were made on the Colonies it would result in the deepest discontent and heart-burnings in them. As it had been said in the American war of independence, it would be argued that we had no right to tax the Colonies when they were not represented in that House. There were great difficulties connected with the proposed plan. He was, however, not prepared to say that those difficulties were insuperable. It was, he believed, the general feeling of the British people that our connection with the Colonies should be preserved, inasmuch as they contributed to the greatness of this country, which was acknowledged in the common expression that the Queen reigned over an Empire upon which the sun never sets. Probably this country was never richer than it was at present; but looking abroad he did not think our power was as great as it was some 40 or 50 years ago. If they took up any foreign paper they would find quite as much, if not more, attention given to a small state like Switzerland than to Great Britain. What made this country great was her connection with Colonies scattered all over the world, and with her dependency of India, the most remarkable in the history of the world. The people of this country would cheerfully bear all the expenses incurred by our connections abroad rather than suffer the loss of our Colonies, which would reduce us to a third-rate power. He could conceive of nothing more fatal to the best interests of the Empire than a separation between this country and Canada, and he deprecated any suggestion of severance. He had heard with great pain the word "bribe" used in respect to the loan made to the Canadian government. That was a most improper expression. The national Exchequer did not risk one farthing in the transaction, while it enabled Canada to raise money upon better terms than they would otherwise have been able to do. He was glad to take that opportunity of repudiating the offensive word. In conclusion, he would express a hope that his noble Friend would not press his Motion to a division.

MR. KNATCHBULL-HUGESSEN did not propose to follow the example of his hon. Friend who had last spoken, who never started in a colonial debate of any description whatever, without somehow or other finding his way to the Canadian Loan. He felt personally indebted to his noble Friend for the course he had taken, inasmuch as he had supplied him with the solution of a problem which had for some time past been a source of perplexity to him. During the last two or three years he had noticed that at many meetings held by gentlemen connected with the Conservative party speeches had been made in which, after the orators had exhausted their criticism upon the home measures of the Government, they had dropped dark and mysterious hints about the Government's fatal colonial policy, and had accused the Government of dealing in an unfriendly spirit with the Colonies and of adopting a course which tended to alienate the affections of the Colonies and to weaken the ties between them and the Mother Country. He had often wondered what could be the meaning of those speeches, knowing, as he did, that the colonial policy of the present Government differed in no material respect from that which had been pursued by every Government which had sat upon those benches for a quarter of a century; and his curiosity was considerably excited to know what would be the soothing, kindly, and remedial measures which the party opposite on their accession to power would adopt. His noble Friend was the Œdipus who had solved the enigma, and as he was the near relative of an eminent Conservative statesman, he could not question the authority with which he had spoken. It was, then, at last declared, that the real remedy for all colonial ills, the Conservative panacea for supposed colonial discontent, and the way in which the colonial craving for closer union with this country was to be satisfied, was to be a demand for increased contributions from the Colonies for the defence of Imperial interests. Whilst giving full credit to his noble Friend for the most sincere desire to preserve the connection between this country and her Colonies, he questioned very much whether the policy which he would initiate would have that effect, or whether the colonists were prepared to accept that policy of the Conservative party—["No, no!"]—as likely to conciliate the people of the Colonies. He had no apprehension that his noble Friend's policy was likely to be adopted by any party in that House. He believed that a fair share of the public burden was placed upon the Colonies, and therefore the House was not justified in adopting any such measure as that of the noble Lord. Without entering into the history of the last 30 years, during which there were many exceptional expenses, he would point out that the attempts of the present Government to reduce the expenditure on behalf of the Colonies where it could fairly be reduced, having regard to colonial and Imperial interests, had been persistent, and that a material reduction had been effected. Whereas in 1869 the expenditure cost this country £3,388,033, according to the Returns presented the other day, it was now only £1,708,290, and this saving had been incurred, not by really weakening any Colony by withdrawing the men, but by an economical system of concentration which the Government believed would be found beneficial both to the Colonies and to this country. From the noble Lord's statement he gathered that he had not paid very close attention to the Estimate presented the other day, because he found from it that the Colonies which had free constitutions and representative Governments were precisely those Colonies upon which they did not have any military expenditure. The expenditure at Nova Scotia and Bermuda was entirely for the defence of our maritime interests; the establishments at Malta and Gibraltar were Imperial; Cape Town was a great naval centre, and the Cape Colony paid towards the expenditure for the local advantages it received; Hong Kong paid a full contribution, and the Straits Settlements a sum which had been complained of as really more than their fair share. It would interest the House to know that the larger portion of the expenditure incurred on behalf of the Colonies was for Imperial purposes. He had carefully worked out the figures, and he found that, considering the Imperial interests that were at stake, and which required an expenditure that ought to and would be in any case defrayed by England, out of the total of £1,708,290, £1,205,026 might be fairly charged to Imperial purposes, leaving about £500,000 for local purposes in the Colonies. That sum, he believed, was really in excess of the right amount, and it might be fairly said that the £238,600 repaid by certain Colonies—as shown in a recent War Office Return—amounted to a full half of the total sum so expended; or, to put it in another way, it appeared that all the Colonies made full repayments, except the settlements on the West Coast of Africa and the West Indian Colonies. With regard to the former, even his noble Friend would not like to call upon them for a contribution, and in the case of the latter the local revenues had not been strong enough to bear the expenditure, though it was hoped that this might gradually become the case. But with regard to these Colonies our expenditure was the result of our policy in abolishing the slave trade, and was not an expenditure which would be grudged by the taxpayers of this country. But in truth the whole of this question hinged a great deal upon another question — namely, as to the value which the country set upon the possession of the Colonies. If the noble Lord believed that the Colonies were of little value to this country, of course he would be right in maintaining that no burden on their account should be imposed on the taxpayers of Great Britain. But he (Mr. Knatchbull-Hugessen) held a very different opinion. The Colonies were not only standing monuments of the energy and enterprise of Englishmen; not only by their means the fame of England was spread abroad through every quarter of the world; but they were of great practical value also as depôts for our trade, coaling stations for our ships, as homes for our emigrants, and safe channels for the extension and development of our commerce. But Colonies could not at all times be self-maintaining; in their infancy they required the fostering aid of the Mother Country; as they advanced towards maturity they became more and more independent of that aid, and the House might depend upon it that just in proportion to the kindness and equity with which that aid was distributed would be the duration of the affectionate connection between the Mother Country and the Colonies. It was very difficult to determine what exact sum should be paid in these cases, but it was the duty of the Government to take care that it was not excessive; and, on the other hand, he was sure that the people of this country would never allow the Government to deal with the Colonies in a niggardly or parsimonious spirit. The Colonies had a right to expect just and fair consideration; they did not expect that the Government should engage in any lavish expenditure on their behalf which would impose a heavy burden upon the ratepayers of this country, and the people of England on the other hand would be ready to sanction such wise and prudent expenditure as would tend to promote colonial prosperity, and at the same time to consolidate Imperial power. On behalf of the Government he could not accede to the Motion. It was their duty from time to time to see what Colonies were able to take upon themselves their fair share of the expenditure, and to take care that that expenditure should be borne by them; and anyone who would look back to the policy of the Government since it came into office would see that it had endeavoured to carry out that duty. The Government must decline to accept the vague idea of a great improvement suggested by the noble Lord in his Resolution, which, if adopted, would very likely awaken misgiving in the Colonies, and perhaps would not be attended by the good results which he expected and desired. But the noble Lord and the House might rest assured that no effort would be spared on the part of the Government, on the one hand to prevent the infliction of any unnecessary burdens upon the taxpayers at home, and on the other hand to deal with the Colonies in that fair, just, and liberal spirit which ought always to pervade the policy of a great and generous people.

MR. MACFIE regretted the total absence in the House of any direct representation of the Colonies; while their quota of indirect representation was very small; nor, indeed, was that deficiency made up by any surplus of representation in the Upper House; and although the Colonial Department was satisfactorily managed, it by no means spoke with the authority of a representative body. When he ventured to recommend the more intimate connection of the Colonies with the Mother Country a week ago, he did not speak on behalf of the Royal Colonial Institute. The noble Lord (Viscount Bury) had made an allusion to the subject, seeming to think that he had professed to do so. But he was happy to say that he had since received a communication from the hon. secretary, who, by authority of its council stated that his (Mr. Macfie's) views were in accord with the views of those colonists who assembled there. What was wanted to be done might be effected in a variety of ways; and what was proposed was virtually done by other countries in regard to their Colonies. The Colonies were quite prepared to pay their reasonable quota of our expenses; and by bringing them into the relation of contributories they would identify them more and more with the interests of the Mother Country. It was a question of justice and expediency, and one worthy of the consideration of the highest statesmanship. The noble Lord would act wisely not to press his Motion to a division.

SIR CHARLES ADDERLEY said, he could not quite accept the argument of the Under Secretary of State for the Colonies (Mr. Knatchbull-Hugessen) against the Motion of the noble Lord (Lord Eustace Cecil), that the military expenditure of the Colonies was at this moment almost entirely for Imperial purposes, and that as the expenditure at Halifax was for Imperial purposes, the Canadian Dominion ought not to be called on to contribute towards it, and as the expenditure at Cape Town was for Imperial purposes, the Cape colonists should not contribute. If that argument were good it amounted to this, that as the expenditure at Portsmouth was for Imperial purposes, Hampshire ought not to be called upon to contribute towards the Naval Estimates connected with that port. In both cases the expenditure was as much for the local as for Imperial interests. In both cases the locality was part of the Empire. The same Sovereign in both cases had the sole prerogative of making war, under Parliamentary responsibility. That was not his argument against the Motion, but that this country had no right to tax the Colonies. They had their own Parliaments and their own way of raising taxation, and it was not for us to pass resolutions directing them what taxes they should raise, or how they should appropriate them. This country rather should abstain from taxing itself for what the Colonies ought to pay for themselves than resolve what they should pay. It was not more than 20 years ago that the Colonies did not pay one shilling towards their own military expenses; but this country taxed itself to the extent of £3,000,000 sometimes in one year for military and police expenses in the Colonies, which the colonial subjects of the Queen ought to have defrayed for themselves. For the last 20 years, England had gradually refrained from following out this foolish policy, which unduly burdened this country, demoralized the Colonies, and which often led to the stirring up rather than the putting down of wars. This country had withdrawn her troops from the Colonies, or called upon them to pay a contribution in the first place, and now the whole cost of the troops sent out from England for their benefit and protection. That plan was first adopted by Lord Grey, and it had since been adopted by every Government, whether Liberal or Conservative. It had resulted most successfully—the Colonies had become more prosperous, and local wars had been less prevalent. It had, in fact, increased the strength of the Empire, as well as saved our resources, and to no one was the country more indebted for this satisfactory change than to the present Secretary of State for War, who had boldly carried it out. Those who had criticized that policy as a desertion of the Colonies showed that they did not look on them as parts of the British Empire, able and as willing and interested in conducting their own affairs, as those at home. He hoped that policy would be adopted in the naval as well as military expenditure. They had begun to add local ships of war to the British Navy in Australia; and in Canada the armed flotilla which for some years had guarded the fisheries must be considered as an addition to the naval power of Great Britain. He hoped the policy he had indicated would be steadily encouraged, and thought it would have been wise, when we got rid of Woolwich dockyard-men as emigrants to Canada, if we had offered them to the Government of that Dominion, and suggested that Canada might have by their means set up a dockyard of her own. He rose rather to protest against the line of argument taken by the Under Secretary of State, and to insist that, as the Colonies had Parliaments of their own, it was their business to tax themselves, and that we should not again be guilty of the folly of attempting to tax them. Leave them to defend themselves, and the Queen will soon have as good an army as her home forces added by them to her power. Some of the elder Colonies had fought for the Empire and increased its territory, and we should encourage the present ones to assume this responsibility as part of a free and self-reliant Empire.

Lord EUSTACE CECIL remarked that the right hon. Gentleman spoke of his having used the term "tax the Colonies." The right hon. Gentleman must have misunderstood him. The term he used in his Notice of Motion and in his speech was that the colonists "be invited to contribute."

Mr. GLADSTONE: I should be very sorry if this conversation should terminate in a manner which would leave it to be supposed that there was a serious difference of opinion on the subject.

The noble Lord (Lord Eustace Cecil), I presume, does not intend to take a division on his Motion:—I trust that he will withdraw it, but not under a sense of being discouraged in the view that he proposes. For my own part, I feel indebted to anyone who opens a question of this kind in the spirit in which the noble Lord has opened it, because I understand him entirely as he has explained himself. I believe it would be far from his desire to do anything in the way of assertion of arbitrary power over our colonial brethren. The right hon. Gentleman opposite (Sir Charles Adderley) on all occasions, whether in or out of office, with regard to colonial questions, holds one and the same language, and his conduct affords one of those examples which may be quoted with confidence to confute the declarations of those rather vulgar politicians who consider that men hold a different language when they are out of office from that which they held when they were in. The consistency of the right hon. Gentleman is well known, and I must say that his services in reforming the relations between this country and the Colonies have been conspicuous. I should be, therefore, exceedingly sorry if the right hon. Gentleman were to remain under the impression that there was, what there really is not, a difference of principle between the noble Lord and the Government and himself with regard to this question. It is very right, as my right hon. Friend urged, that an important distinction should be drawn between difference of times, circumstances, and degree, between those cases in which Imperial forces are supported for colonial purposes, and those in which they are maintained in reference to the general interests of the Empire. But it is not at all intended on the part of the Government to draw the inference that the colonists have no interest in that which relates to the general security and prosperity of the Empire, or that under no circumstances could it be right and allowable that they should make contributions towards the charge of such forces. But I am sure the right hon. Gentleman will feel, in the first place, that anything like a Parliamentary interference by a declaration of opinion would have a very unfortunate effect in a subject of this kind; and, in the second place, that all progress in regard to it must be of a gradual character, and that an attempt to quicken the pace would probably produce a reaction. What we wish is, not that the Colonies should under pressure from this country be brought to make, probably not insignificant, but at any rate grudging, contributions towards the expenses of the Empire; what we wish is to see the growth of the true spirit of freedom in the colonial communities which would make them not only willing, but eager, to share all the responsibilities of freedom and to take a part in the common burdens. I agree with the right hon. Gentleman in the hope that he entertains that those views will not limit themselves with regard to burdens which are purely colonial, but that more and more will grow up the desire to claim the privileges as well as to submit to the burdens; to share in the great inheritance of the British Empire and in the custody of that Empire at large. That being the principle, the right hon. Gentleman opposite has himself in the fairest and handsomest manner acknowledged the efforts of the Secretary of State for War when he was at the Colonial Office, and has borne testimony to the fact that we are moving in the right direction. If that is so, he will, I am quite confident, confirm us in the belief that it is far wiser—possibly in the end far cheaper—but at any rate far wiser, to leave this matter to its free and natural growth; to endeavour to create in this country that harmony of feeling in the several parties into which we are divided which may gradually bring about that state of things that colonial policy shall no longer be a mark of distinction between us. If we can bring about that state of things we may naturally trust that the habits of freedom in the Colonies will secure to us, by their own spontaneous action—whether it be a little sooner or a little later is of less consequence—the aspiration of the colonists to fulfil in the largest sense all the duties, and bear their share in all the responsibilities, of citizens of the Empire.

Amendment, by leave, *withdrawn.*

INDIA—RAILWAY GAUGE.

RESOLUTION.

Mr. LAING rose to move a Resolution declaring—

> "That it is contrary to Imperial policy to allow a break of gauge in the Railway communications between the important frontier town of Peshawur and the main Railway system of India."

He said, it was his object to prevent a misfortune of national magnitude, a break of gauge in the Indian railway system, at a point which was most important in a military point of view, and which might be regarded, in fact as the Metz of India. The main railway system of British India now comprised 5,000 miles actually opened, inaugurated by Lord Dalhousie, and constructed on the wide gauge of 5 feet 6 inches, by separate companies, under what was known as the guarantee system, at a total cost of £90,000,000, or between £16,000 and £17,000 per mile. The cost, though large, was not excessive, if difficulties arising from the inherent condition of the country—from the numerous rivers and torrents which had to be crossed—were taken into account. The general traffic up to the present time showed that under the guarantee of 5 per cent, there was a loss on the £90,000,000 of £1,600,000 a-year, or about 1½ per cent. That loss was, however, expected to disappear as the means of communication with the different stations opened up—such as branches, tramways, and above all, good common roads—the last named being essential for the conveyance of produce. Though the loss of 1½per cent on the capital entailed a considerable burden on the empire, it would be taking only a narrow view of the subject if he were to say that the construction of these railways was not an enormous advantage to India. The progress of the Empire since their construction had been most extraordinary in its rapidity. In the period of about 15 years the Revenue had risen from £30,000,000 to £50,000,000 sterling a-year, and the aggregate imports and exports showed an increase during the same time from £50,000,000 to £100,000,000 sterling. Nobody would deny for a moment that a great portion of that progress was to be attributed to the introduction and extension of railways. During his Vice Royalty Lord Mayo, one of the most able and popular of the many great Governor Generals of India, became impressed with the great advantages conferred by these railways, and arrived at the conclusion that 10,000 additional miles of railway were urgently needed to supplement the first and main trunk system of 5,000 miles, which had then been completed. For the execution of such a work, economy of construction being obviously necessary, the Government of India had with that view adopted what was called the *metre* gauge, of 3 feet 3 inches for the lines of the new system, by which it was estimated that £1,000 per mile would be saved on their cost. The superior economy of the proposed break of gauge —though advocated by two distinguished officers of Public Works in India—was disputed by the common consent of all great railway engineers and practical managers. Mr. Hawkshaw, one of the most eminent engineers in the world, had predicted that the Indian Government would have to spend more money in remedying the evil of a break of gauge than they would save by introducing it. That prophecy was confirmed by the experience of all countries into which a break of gauge had been introduced, and especially by what had happened in regard to our own Great Western Railway. He would not, however, go into the general qnestion, his Resolution being confined to the particular case of the line to Peshawur, which was not of local, or even of Indian importance only, but of Imperial interest. They had a continuous line of some 3,000 miles constructed on the 5 feet 6 inches gauge from the principal capitals and centres of India, leading up to Lahore where it terminated, while between Lahore and Kurrachee, the nearest point of shipment for England, and where in any emergency stores and troops would arrive most speedily from this country, the line was constructed already in great part on the wide gauge principle. The question was really confined to whether the line from Lahore to Peshawur, which was about 280 miles in continuation of the 3,000 already constructed, should be constructed on the same gauge, and also the central section of the Indus Valley line between Mooltan and Kurrachee. The hon. Member proceeded to show that from the anticipated saving of £1,000 per mile by the adoption of the metre gauge they must deduct the cost of the necessary alteration of gauge on the lines already made, and also the cost of the extra rolling stock which would be required for the isolated portion of the system. According to the Estimates of the Indian engineers the saving which would be effected by the adoption of the narrow gauge was £532,823, while, according to Mr. Fowler, an engineer not unfavourable to the narrow gauge under certain circumstances—and who, of all others, was most competent to speak on the question—it was only £30,000. Taking even the larger sum, it was not worth while for such a saving to have a break of gauge on a line of great political importance. There was not a man of the slightest experience in railway matters who would listen to such a proposition for a moment. This was the main line of communication between the Punjaub and the rest of India and with the port of Kurrachee, and on a line of this importance they were about to place the barrier of a break of gauge. The population directly or indirectly interested in this railway amounted to 20,000,0000. This was not a sparse population scattered over an infertile territory. The cultivated area of the Punjaub was alone 12,000,000 of acres, and there were 6,000,000 of acres not yet cultivated, which, under the settled rule of England, were rapidly being brought under tillage. The surplus produce of this territory was reckoned at 777,481 tons, the great bulk of which was of a nature that was ill adapted to stand the loss and expense resulting from a break of gauge. This railway also formed the line of communication for the growing trade with Afghanistan and the whole of Central Asia. They heard a good deal about Russian commerce competing with them in Central Asia, and could anything be more foolish than to interpose a break of gauge on the line by which the produce of British manufactures reached Central Asia to compete with the produce of Russia? Putting, however, aside the commercial interest, he would come to the military and political question, and ask if, for the saving which he had mentioned, it was worth while to interpose the obstacle of a break of gauge in a military and political line of first-rate importance? A break of gauge meant a great deal more than mere delay. It meant that the engines, carriages, and rolling stock on the other 6,000 miles of railway were not available beyond Lahore, and that in case of emergency 1,200 engines and 36,000 carriages, forming the stock of the main railway system of India, could not be employed on the 1,092 miles of the narrow-gauge line. The proposed complement of the latter, moreover, consisted only of 84 engines and 2,520 carriages, though if it had the same complement as the broad-gauge the estimated saving would be converted into a balance on the other side. Reinforcements of troops and *matériel* would thus be dependent on this amount of rolling stock. What were the peculiar special circumstances of Peshawur? He had never been one of those who had regarded the progress of Russia in Central Asia with particular apprehension. He believed that no collision was likely to take place between the two great empires in that quarter; but, at the same time, the best way to avert that calamity, or even the lesser calamity of a misunderstanding between the two countries, was that each should feel as secure as possible on her own territory. Experience had shown that there was no more fertile source of misunderstanding than when a nation felt that it was weak and was jealous about what its neighbours were doing. In the event, however, of a serious campaign in Central Asia, the great object of England would be to reach Herat first, and it was manifest that to do that the primary consideration was the possibility of concentrating rapidly at Peshawur every available man, horse, and gun. They ought to recollect also that in moving forces in India they had not simply to move men, but that the impediments of an Indian Army were necessarily cumbrous. Authority and experience both showed that an essential condition of success in the moving of masses of troops by railway was that there should be unbroken communication from end to end of the line, together with an abundance of material and rolling stock. This fact was demonstrated by Mr. Bidder, Mr. Hawkshaw, Mr. Maclean, and other engineers of eminence, who pointed out that on a great military line even the risk of disaster could not be expressed in money, and that a break of gauge might be the cause of actual disaster. At a meeting of the Institute of Civil Engineers, the Astronomer Royal, as a member of the old Railway Commission, denounced the evils likely to arise from the break of gauge. They had, too, the authority to the same effect of gentlemen who combined knowledge of railway working with military experience—he alluded to the inspectors of the Board of Trade. Captain Galton, an eminent officer of the Royal Engineers, who had been connected with the Society for the Aid of the Sick and Wounded during the late war, described the advantage the Germans derived from unbroken gauge, and added that in the case of a break of gauge the confusion in the forwarding of troops would be absolutely indescribable. Captain Tyler, another distinguished officer of the Royal Engineers, said that the difficulty in the forwarding of troops by railway was not the running of the trains but the getting of the soldiers into the carriages, and that in the case of a break of gauge that difficulty would have to be encountered twice over, and he went on to say that a break of gauge would do away with the advantages in a military point of view which they had been led to look forward to from the construction of railways in India. Then, again, they had the high authority of Lord Lawrence, Sir Bartle Frere, and General Sir Henry Durand as to the necessity, in a military point of view, and also politically as well as commercially, of having an unbroken gauge from end to end of the great and important line to which he referred. He could easily multiply authorities on the point; but the question was one not only of authority, but of experience. The value of railways in time of war was amply shown during the late war. If one thing more than another contributed to the astounding success of the Germans it was the fact that they were able to do that which we were about to preclude ourselves from doing in India—namely, to bring up their troops and supplies from the centre of their forces and reserves to the scene of operations. From Berlin to the Rhine their lines had an unbroken gauge. There was a break of gauge at Metz, and in order to surmount it the Germans constructed a circular railway. Again, a tunnel 30 miles to the east of Paris was blown up and all the accounts of the war showed that the difficulty of moving stores and supplies over that one mile thus interrupted was as great as to bring them the 1,000 miles from Berlin to Paris. On the other hand, the want of adequate railway communication was the cause of signal failures on the part of the French. From an official account of Bourbaki's disastrous expedition to the East of France, he learnt that eight days were occupied in forwarding the 18th and 20th Corps d'Armée by two lines a distance of 150 miles; and that it took 12 days to move the 15th Corps a distance which the Minister of War had calculated could be accomplished in 48 hours, a delay which arose mainly from a deficiency of rolling stock. Some of the men were three days in the carriages with the thermometer at 15 degrees of cold. If they substituted 120 degrees of heat for 15 degrees of cold, they would have an example of what would occur if they attempted to mass a large number of troops at Peshawur. Such disastrous delay and confusion they ought by every means in their power to endeavour to avoid in the case of India. He had studiously limited the terms of his Motion so as to include only what he believed to be a question of Imperial policy. It related, moreover, to a subject on which they could act as he suggested without implying any slight or censure upon anyone. He trusted that they might avoid a division by receiving an assurance from the Government that the Indian Government would be recommended to reconsider the subject. Further than that, of course he did not ask the right hon. Gentleman to go. If this were done, he believed the result would be that there would be opened a door of escape to all parties from what he felt satisfied was a very false position.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is contrary to Imperial policy to allow a break of gauge in the Railway communication between the important frontier town of Peshawur and the main Railway system of India,"—(*Mr. Laing,*)

—instead thereof.

Question proposed, "That the words propossd to be left out stand part of the Question."

Mr. GRANT DUFF: I rise to reply to my hon. Friend with some misgiving, because he speaks with considerable authority as well on matters connected with railways as on matters connected with India, and because I know that he has on his side the sympathies of a large and influential profession, which is strongly prejudiced against the course that has been taken with regard to the change of the Indian gauge. I am comforted, however, by remembering that the decision of the Government of India, which I have to defend to-night, was the most distinctive act in the administration of the able and excellent man who was sent in the end of 1868 to rule our Eastern Empire; and I hardly think that the House of Commons, which knew Lord Mayo so well, will condemn a policy which all men know to have been his personal policy, without requiring the assignment of better reasons than I think my hon. Friend and those who agree with him, have given, or are able to give. Perhaps it will be desirable that I should explain very briefly to the House how the idea of making these Punjab lines on the narrow gauge first arose. The making a railway up to Peshawur, which had been thought of at the time of the Mutiny, was first very seriously considered during or just after the Umbeyla Campaign, and the expediency of making such a railway became within the next few years an accepted article in the political creed of a great many persons who occupy themselves with India and its affairs. It was not, however, till 1868, that a decision was come to by the Government of India upon the subject, and in the first days of 1869, a railway to Peshawur, and a railway from Mooltan towards and down the Indus Valley, were included in Lord Lawrence's great scheme of railway extension. That scheme was adopted by Lord Mayo, and was approved by the Home Government. Meanwhile, an engineer had been engaged and sent to make surveys for the proposed Peshawur line. After the Umballa interview with Shere Ali in 1869, this engineer was directed to attend Lord Mayo at Umballa and explain his plans. These plans were not approved, chiefly because in the opinion of Lord Mayo the proposed railway ran too far away from the old line of communication through the Punjab and would, amongst other things, have required a separate set of bridges over the great rivers from those which it was intended to construct to carry the Grand Trunk road. The engineer was accordingly ordered to make new plans, which plans were ultimately approved. Soon after this, however, Lord Mayo made a journey to Peshawur, and saw with his own eyes what manner of country the Punjab really was—how scanty its population, how enormous its desert spaces, and how narrow the limits within which its trade must lie for ages to come. The result of this journey was that he became possessed with the idea that to make a broad gauge line up to Peshawur would be simply a wicked waste of money, and this view he pressed with all his might upon the authorities at home. The question of the Peshawur Railway and the question of the Indus Valley Railway, which hung on to it, were accordingly most carefully discussed in the Council of the Secretary of State, and very decided opinions were expressed upon both sides. At last, however, it was determined that as it was just one of those questions in which a knowledge of local requirements and local circumstances was all important, the decision must be left with the Government of India. If in a matter of this kind a large expense was to be forced by the Secretary of State in Council upon that Government against its own most strongly expressed opinion, the Secretary of State in Council ought to have a very strong opinion indeed upon the subject. And that was not the case. There was at the India Office about as much argument and authority on one side as on the other. Such was the history of the determination to use the narrow gauge upon the Punjab lines, a determination which has called forth so much adverse criticism; which adverse criticism I shall now attempt to meet. But first the House should clearly understand the problem to be solved. Lord Mayo had to provide with railways the land of the Five Rivers and the great district of Scinde, regions larger than England, Wales, Scotland, and Ireland put together. In all this enormous, thinly-peopled and poor country, there were only, if we except the end of the line from Delhi, two little lines—one of 105 miles, and one of 214 miles, or 319 miles of railway altogether. Both of these were on the broad gauge; but on the longer it is intended to lay down a third rail, and on the shorter to substitute the metre gauge, so that the whole Punjab and Scinde systems will be on the metre gauge, while Lahore will be the point of junction with the general system of the rest of the Indian Continent; and at Lahore there will of course be a break of gauge. I must admit that a certain amount of inconvenience will arise from this break of gauge; but the question which the Indian Government had to ask and answer was not, will the break of gauge occasion any inconvenience, but will the break of gauge occasion such an amount of inconvenience as to counterbalance the advantages which will arise from constructing the Punjab railways upon the metre gauge? That question obviously divides itself into two others:—What are the inconveniences that will result from the break of gauge? and, What are the advantages that will arise from constructing the aforesaid railways on the metre gauge? Now the inconvenience is obviously threefold—inconvenience to passengers, inconvenience to persons sending merchandise, and inconvenience in moving troops. To the first, few will attach much importance, because the inconvenience of a single change in going right across India from Calcutta to Peshawur—a distance of 1,546 miles—is infinitesimal. Somewhat more importance is attached by many to the inconvenience that will be caused to persons sending merchandise; but that inconvenience may be easily exaggerated. Here is what appears to me the fairest estimate of what it will amount to:—

> "As regards goods, the gravity of the evil may be measured by the quantity of goods that would have to be transladen. There are two points at which such translading might take place, Lahore and Mooltan; at Lahore, of goods either arriving from the north and proceeding in the direction of Umritsur and Delhi, or arriving from Umritsur, or places beyond, and proceeding towards Peshawur; at Mooltan, either of goods arriving from the south and destined for ulterior conveyance by the broad gauge east of Lahore, or of goods which having been brought by the same lines to Lahore for conveyance to places south of Mooltan, had not been transferred to the narrow gauge at Lahore, and therefore required to be so transferred at Mooltan. Now of these last two descriptions of goods the quantity may be safely pronounced to be nil. According to the latest trade statistics, the total of imports into Mooltan from all places east of Lahore was, in 1870-71, only 10,530 tons, the exports from Mooltan to the same places being under 2,400 tons; and a glance at the map will suffice to show that no appreciable poriton of this insignificant traffic can have emanated from, or been destined for, the half-desert tracts extending for a considerable distance to the south of Mooltan. At Lahore, the other point of meeting of the gauges, the state of things is somewhat, but not materially, different. The quantity of traffic passing through that city in 1870-71, either from the eastward toward Peshawur, or eastwardly from Peshawur and places intermediate was, according to the same statistical tables, as follows:—imports, 414 tons; exports, 112 tons: total, 526 tons. Let us liberally suppose that on the completion of the Lahore and Peshawur Railway, these quantities will be doubled, becoming a total of 1,052 tons; and, with still greater liberality, let us admit that the out-turn of the Jhelum Salt Mines will simultaneously rise from 40,000 to 100,000 tons, and that not more than half of this quantity will either be consumed within the territory of the Five Rivers or sent westward into Afghanistan, the other half being exported in the direction of Delhi, notwithstanding that only 13,000 tons seem to be as yet so exported annually, and notwithstanding also that it will thereupon come almost immediately into competition with the produce of the Sambhur Lake. Even then, and after all this amplification, the aggregate traffic compelled by break of gauge to break bulk at Lahore will be no more than 51,052 tons. Now, 4*d.* per ton is pretty generally considered to be the maximum representative in cash of the commercial ill effects of break of gauge. 51,052 fourpences, therefore, or £850 a-year, or interest at 5 per cent on a principal of £17,000, represents the very utmost commercial harm that can be expected to be done by break of gauge between the railway systems of the Punjab and of the rest of India."

I know that some English engineers have said that 4*d.* a-ton is too low an estimate; but, as a matter of fact, I am informed that translading from carts to their trucks cost the East Indian Railway not 4*d.*, but 3*d.* a-ton. If it be replied that the inconvenience of delay cannot be measured by money, I would say, alas! would it were really so. If it were so, our Indian lines would pay better. Why are they paying so badly just now? It is because in India "time is not," so to speak, "of the essence of the contract." Time is no object whatever, save in exceptional states of the market. It is only now and then that the Indian merchant wishes to move his goods quickly. On this point I would quote General Strachey, who says—

> "It is not in the least to the point that a break of gauge in England, under circumstances of a totally different nature, has been found to be intolerable. To complain of the injury done to the traffic on the Indus Valley Railway because vehicles started from Delhi, for instance, will not be able to pass to Kurrachee, would not be less visionary than a similar complaint as to interchange of traffic between Russia and Spain. No tendency to any such traffic can arise that will have the smallest practical importance."

There remains the inconvenience which will be caused in the moving of troops. Now that inconvenience, if it were as great as some consider, would have been unquestionably fatal to the wisdom of the course which was followed by Lord Mayo's Government. But for what purposes do we want troops on our North-Western frontier? Clearly either for the ordinary exigencies of the frontier service, or to meet an invader coming from beyond the passes. There is no doubt, I suppose, that any railway on any gauge will make it much easier for us than it is now to provide for the ordinary exigencies of the frontier service. You provide very well for them even now without a railway. You never had the least difficulty, except in the Umbeyla Campaign. We must look then entirely to the inconvenience that will be caused by break of gauge in getting up troops to meet an invasion. But can any human being picture to himself any conceivable concatenation of circumstances which would bring an invasion upon us as a surprise. Why, the very instant that a rumour comes of Russia's building a fort or moving a squadron of Cossacks a thousand miles away from our frontier, a number of well-disposed persons are even now seized with a fit of "Russo-phobia tremens;" and if there were the slightest shadow of possibility of any attack being made upon you, every coign of vantage which our own frontier and the passes which look down upon it, to say nothing of other points in advance if they were wanted, would be perfectly easily and perfectly quietly taken into the safe keeping of our commanders. People always seem to imagine, when talking of this question, that our troops would be drawn from Eastern and Central India in a great hurry. But that is not practically what would happen. The temptation in such a case as I have put would be rather to denude other parts of India too much of troops, than to be slow in getting them up to the frontier. Any railway on any gauge that has ever been proposed would enable us to send forward, at the very first whisper of danger, all, and more than all the troops we could possibly spare from other parts of the country; and a great many of the best native troops whom we could use for such a war as the one I am speaking of would, in all likelihood, not be brought up from other parts of India at all, but recruited in our frontier districts, just as were so many of the men who served us so well, and that against their own kindred, in the Umbeyla Campaign. What does our force—what does the transferable part of our force lying habitually east of Lahore amount to? There are some people who talk as if we were to expect an invasion by the hosts of Attila, and could bring to meet it the hosts of Xerxes, and that all these same hosts of Xerxes would have to be conveyed by railway from some points on the eastward of Lahore. But that is a dream. Why, out of our 195,000 troops, how many do you think we have now in the Punjab and Scinde? We have at this moment in the Punjab and Scinde, within marching distance of the frontier, 16,300 British troops and 18,500 Native troops, besides our Native auxiliaries. And when we wanted to reinforce these, we have our broad-gauge lines up to Lahore, and we could also draw reinforcements through Kurrachee, which when the Punjab system is complete, will be connected with the mouth of the Bolan, as well as Peshawur and the frontier generally, by the metre gauge. Now at what rate could we bring up reinforcements to these troops along our metre-gauge lines? I will answer in the words of Mr. Thornton—

> "Even with rolling stock at the rate of one engine and 30 vehicles for every 13 miles, it has been demonstrated, by carefully and minutely detailed calculations, that in the course of a week 12,000 combatants of all arms—infantry, cavalry, and artillery—fully equipped, and with a month's rations, could easily be moved from Lahore to Sukkur, or 11,000 from Lahore to Peshawur, or three corps of 4,000 each, one from Lahore to Peshawur, a second from Lahore to Sukkur, and a third from Kurrachee to Sukkur."

Well, but if the inconvenience to passengers having to change carriages once in a journey of 1,500 and odd miles is really inappreciable, if the amount of inconvenience to persons sending merchandise can be measured by a figure of about £17,000 a-year, and if the inconvenience likely to be occasioned in the moving of troops is what I have represented it, how did Lord Mayo do unwisely in determining to save money by making the Punjab lines on the metre gauge? There may be much difference of opinion as to what the exact saving will be, but surely it stands to reason that there must be a saving; and in a huge country like India, where we have such endless work to do in road and railway making, every saving we can make means more roads and more railways somewhere. General Strachey, comparing our metre-gauge rails used on the other Indian lines, calculates the saving on the whole Punjab system at about £2,000,000. The present Government of India, comparing our metre-gauge rails with light rails laid on the standard-gauge, calculates it at about £750,000. Now the lowest of these estimates, or a lower one than any, would be quite sufficient for my argument. For every £5,000 we can save on these lines we can make another mile of railway, and I believe that Lord Mayo was perfectly right in saying that our Indian railway system is only in its infancy. It is a continent with which we have to deal, a continent where great public works are of the very first necessity, and a continent which is not rich. To reason about what may be wise economy there, from what would be wise economy here, is almost to court illusion. An impression has got abroad that Mr. Thornton admitted on behalf of the Indian Government that the saving would only be a saving of 10 per cent. Mr. Thornton, who is an excellent officer, carefully guarded himself from admitting anything whatever on behalf of the Indian Government. But he did not even admit as an individual what he is said to have admitted. What he did was this. In order to gain a dialectical advantage he said to his opponents, "I'll admit for the sake of argument that your figures are right, and even taking your own figures I will show that the saving was sufficiently considerable to make it worth the while of the Government to face the inconvenience of the break of gauge." It is all very well for our candid friends to say now, "We are quite in favour of cheap railways for the Punjab, but you should have kept the 5 feet 6 inch gauge and laid it with light rails." Our candid friends, however, know well that that was not the proposition which they and those who think with them put before Lord Mayo's Government. The engineers employed on the Lahore and Peshawur lines proposed 60lb. rails, and Mr. Andrew's engineers proposed 68lb. rails for the Indus Valley. The idea of the light rails was a mere after-thought of our candid friends, but it was in the meantime—no thanks to them—considered on its merits and rejected by Lord Mayo's Government. For not only would our light rails be soon destroyed if we worked upon them the heavy broad-gauge stock; but what would become of us if one of our bridges, built to carry our light stock, broke down when we were using the heavy broad-gauge stock? That is exactly the kind of thing that always in this contradictory world happens on an an emergency. I do not believe in these Punjab lines having to be used in an emergency, but our candid friends do. Their whole argument is based upon the probable occurrence of an emergency which will require half the broad-guage stock of India to be used over the Punjab lines. I firmly believe that when the Punjab system is complete its rolling stock will be sufficient even for any emergency. As for the sufficiency and much more than sufficiency of the narrow gauge for all the ordinary work of the Punjab, the remarks of General Strachey, which I will presently quote should, I think, carry conviction; but it must be remembered that it is intended to connect the Punjab metre-gauge lines with the Rajpootana metre-gauge lines, so that we shall have all their rolling-stock to supplement that of the Punjab lines.

"It has been ascertained," says General Strachey, "that the total traffic of the East Indian Railway—the heaviest worked line in India—may be taken to be about equal to 840 tons of goods, and 1,064 passengers, carried over every mile of railway in 24 hours. Also, it is found, taking the combined passenger and goods' traffic, that the average load of an East Indian train is about 71 tons of goods, together with 89 passengers, which we may consider as carried in a mixed train. Supposing, further, the passengers to be equally divided between the up and down traffic, and the goods to be carried in the approximate proportion that actually holds in the two directions, about six trains such as I have described, in both directions, would suffice to do the work. Now, if we set a narrow-gauge railway, such as those actually under construction at the present time in India, to carry this traffic, we should find that the load of an average East Indian train could be conveyed in about 14 narrow-gauge waggons and three narrow-gauge passenger carriages of the pattern now being supplied, supposing all the waggons and carriages to be run full. If the vehicles were supposed to carry only half their full loads, double the number of trains would be required to that actually run on the East Indian line. Such a narrow-gauge train as I am speaking of would consist of—say, 18 vehicles, including a break-van, and, if full, might weigh in the gross 144 tons; with vehicles half-full, the load might be about 100 tons. One of the 12-ton engines recently made for the Indian narrow-gauge lines, would suffice to draw such loads on the ordinary easy gradients of Indian lines. Hence it follows that the whole traffic of the East Indian Railway, as now existing, might be carried on a line of narrow-gauge railway, with an average of 12 trains a-day each way, such trains running half empty. As such a condition of things could not possibly be necessary, and as two engines could be combined—an 18-ton and a 24-ton engines could easily be provided if desired—there can be no room to doubt that the narrow-gauge lines, as now being constructed, and doubled where necessary, are quite capable of carrying the heaviest traffic now existing in India, or ever likely to be brought on them."

I have been arguing throughout as if the matter was *res intacta,* because my object has been to show that Lord Mayo in this, the most distinctive act, of his too short Vice-royalty, acted the part of a wise and of a bold man. But the matter is not *res intacta.* A large part of the money required to make the Peshawur line on the metre-gauge is already actually spent for metre-gauge purposes. I am free to confess that I cordially agree with Lord Mayo's policy in the matter, but I will not ask the House to commit itself to anything of the kind. I claim the votes not only of those who think that Lord Mayo did wisely, but also of those who, although they would have preferred a different policy, are unwilling to reflect upon his memory in a matter which cannot be now altered without heavy money loss, and are content to say, *Fieri non debuit, factum valet;* and I claim the votes of all Indian economists who object to large expenditure being forced on India by English opinion. The forms of the House do not permit me this evening to move the Previous Question or otherwise to evade the direct issue raised, but I think I may fairly ask hon. Members not, after a discussion of only two or three hours—a discussion to which they must in the nature of things come, with our natural prepossessions, against a break of gauge in England—to condemn a break of gauge in the very different circumstances of the Punjab. It is a strong measure hastily to condemn a policy which was ardently pressed upon the Home Government by the last Viceroy, which is being carried out by the present Viceroy, and which has been most cordially approved by the last Viceroy but one, that last Viceroy but one being the man of all men who has most right to speak with authority to his countrymen about the Punjab; for he it was who saved the Punjab to the British Empire. Thus speaks Lord Lawrence, and with his words I will conclude—

"In the particular case of the railway between Peshawur, Lahore, and the sea, which is a continuous line mainly desirable for military considerations, it no doubt appears at first an especial evil that there should be a break of gauge. But on closer inspection, I still think that there are preponderating arguments in favour of the more economical arrangement. From Lahore to Kotree, and indeed to the sea-port of Kurrachee, there are vast tracts of waste land, of what may be more or less described as wilderness, for the most part thinly inhabited and poorly cultivated. In progress of time, with the introduction of irrigation, all this will be changed. But for another generation the above description will generally apply. Under such circumstances, a cheap railway seems obviously the best arrangement in an economical point of view. Moreover, all along this distance, the railway will have to compete with the Indus, which in its downward course, for agricultural produce is amply sufficient. From Lahore to Peshawur the country is better cultivated, but for the most part somewhat poor, with little traffic except that of salt, between Jilum and Lahore. As a military line, it appears to me that a break of gauge is not of first-rate importance. The demands on the line will obviously be for the transport of troops, of military stores and supplies. But in respect to the troops, halting places, where the men can rest and refresh themselves, are absolutely necessary, and there will be no difficulty in making the points where there will be a break of gauge some of the places for resting the troops. Indeed, I may remark that Kotree, Multan, and Lahore would be the very places along the line which would naturally be selected for such a purpose. And again, as regards supplies of all sorts, we have, or shall have depôts and magazines, from whence the necessary articles would be pushed up or down the line as circumstances required. I can scarcely conceive a state of things where it would be of any real importance to push a convoy of troops and stores from one end of the line to the other without stoppage. The climate of India for many months in the year more particularly demands attention to such precautions in respect to the troops. On such a subject as that now under discussion, engineers have indeed a full right to be heard, and their opinions are doubtless of much value. But while we are bound to hear what they have to say on the subject, we must reflect that it is also one which involves many considerations on which the financier, the administrator, and the statesman ought also to have their say. So long as a railway is likely to pay a fair return for the outlay, within a moderate period after being opened, we may safely expend more than as a mere financial speculation may be desirable. But when there is no real prospect of such a result for many years, to incur large expenditure seems to me to be very unwise. It is only heaping up debt which we can never defray."

MR. CRAWFORD admitted that he approached the consideration of this question with strong prepossessions against a break of gauge; but that those prepossessions had been considerably shaken by the statement of his hon. Friend (Mr. G. Duff) who had just sat down. He was not so clear in his own mind as he had been when he came down to the House that the Motion represented the true policy to be adopted on this subject, and he should feel bound to record his vote in favour of the Government. He desired, however, to draw attention to one point that had hitherto escaped notice—namely, the position of the House of Commons in reference to the Government of India, on a subject like this. Did the House claim that its dictum should decide the policy to be adopted by the Indian authorities on a point of internal administration? The revenues of India had been placed under the Council of India by the House, and with it the responsibility ought to rest. He thought, too, that the military view of the question taken by the hon. Gentleman might be accepted as that of the most competent authorities. If this Resolution were carried, what security was there that the Secretary of State for India would send a despatch to the Governor General of India requiring him to carry it into effect, or that the Governor General would thereupon alter his present policy? He had been a careful student of Indian affairs for a great many years, and he would say that he had never entertained anything of the feeling which his hon. Friend had described as Russo-phobia. He could not support the proposition of the hon. Member for Orkney (Mr. Laing), or ask the House to express its opinion upon a matter regarding the expenditure of India.

General Sir GEORGE BALFOUR, in supporting the Motion, said, he desired to call attention to a very important point—he meant the disastrous effect in a military point of view the break of gauge would produce, in the event of a war breaking out, on the Northern frontier of India. And not only was the break of gauge involved in the question, but also the construction of railways by the State out of means provided by the State. At one time he was favourable to the construction of the great works necessary for the development of the resources of India by the Government, instead of by committing them to contractors; but he was no longer of that opinion. It was by the means of contracts that the great trunk lines of railway had been carried out, and he thought it would be a great mistake if that policy were abandoned. It was true that these lines had been constructed at a most enormous expenditure; but, in future, much of this expense might be avoided. Looking at the importance of the line from Lahore to Peshawur, and seeing the extent of the lines leading from Calcutta to Peshawur, he could not look with a favourable eye on any change of gauge which might interfere with the value of the rolling stock on the existing 5,000 miles of railway; for by relinquishing the advantages we possessed in the existence of the present large amount of rolling stock, we should materially affect its efficiency in assisting our military arrangements. It was impossible that we could look upon the line connecting the main lines of India with the line to Peshawur merely as a commercial undertaking—it must be looked upon as a military and political line. As a commercial line, he did not place any great value upon it; but the importance of having the military line completed as soon as possible well deserved the attention of the Home Government. In spite of all the confidence we ourselves felt, we could not prevent the people of India from feeling great alarm respecting the supposed advance of Russia towards our frontier, and he strongly urged on the Government the necessity of preserving the line from Lahore to Peshawur on the same gauge. Only 500 miles were wanting to complete the line of communication from Kurrachee to Lahore and thence to Calcutta. Kurrachee was a place of great importance, because the port had been of late years considerably improved, and vessels of great depth could now enter it. He wished to mention another point with regard to the break of gauge. Many persons underrated the serious inconvenience which this break of gauge would occasion in having to transfer men and stores from one carriage to another; but, in a military point of view, it was necessary to have all material arranged for transport on a uniform system throughout all the lines in India. He hoped the Government would think it desirable to refer this important question back again to India, in order that it might be reconsidered; matters being now in a different position from that in which they were when Lord Mayo first took up the project. For these reasons, he should support the Resolution of the hon. Member for Orkney.

SIR CHARLES WINGFIELD thought the hon. Member for London (Mr. Crawford) had no ground for saying that this was a question on which the House ought not to express any opinion. The question was one of great Imperial importance, because the security of our Indian Empire very much depended upon it. He was willing to admit that metre gauge railways could be made at much less cost than railways on the standard gauge; and, on the whole, he thought the Government of India were right in adopting the metre gauge for branch lines and lines intended for commercial purposes only. The question at issue, however, was whether that gauge should be adopted for the completion of a system which was designed for great strategical and military as well as commercial purposes. His hon. Friend the Under Secretary of State for India said expense had been already incurred in commencing the construction of the line on the metre gauge, but omitted to say what that expense was. If it had been incurred for rails and iron girders for bridges they would be available for other lines. In his opinion, the Government greatly underrated the inconvenience of a break of gauge. Their argument was that the only circumstance that was likely to call for a great and sudden concentration of troops in the Punjab would be a menace of invasion by Russia, or some other foreign Power; and, in that event, we should have ample warning, so that the troops might be moved leisurely to the spot. Still, considering the uncertainty of war, it would be rash to assume that such an emergency might not arise as would necessitate the moving up suddenly of a large number of men, with guns, ammunition, and the *impedimenta* of war. The serious consequences which, in such a contingency, might arise from a break of gauge, it was impossible to overrate. He would concede that the saving from the adoption of the metre gauge would be quite as large as the Government estimated it; but, even if it were larger, it could not be set in the scale against the great inconvenience, and, possibly, disastrous consequences which might ensue from a break of gauge.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,—

MR. DICKINSON said, he was interested in one of the Indian railways, and wished to introduce railways, as far as possible, throughout the country. He was convinced, however, that this could not be done unless the lines were constructed on a much more economical plan than at present. He confessed that, as a rule, he did not believe in purely military railways, and thought it a misfortune that such railways should exhaust money which would be much better applied in developing the commercial resources of the country; but, in the present case, he thought it was of the utmost importance that if there was to be a railway from Kurrachee to Peshawur there should be no break of gauge in its course. It might be contended that such a line was a complete system, the basis of operations being Kurrachee and Lahore; but that involved the absorption of those parts of the Scinde, Punjab, and Delhi lines as were between Kurrachee and Kotree and Mooltan and Lahore, and was subject to the objection that the rolling stock for the system would be insufficient, and could not be supplemented from other lines for the military emergency for which alone the line was required. In his judgment, the arguments adduced by his hon. Friend the Member for Orkney (Mr. Laing) were so convincing that it was hardly possible for anyone to vote against his proposal.

MR. BOURKE thanked hon. Gentlemen opposite for the handsome manner in which they had spoken of the late Viceroy of India, who was mainly or wholly responsible for the change of policy which had been adopted with reference to this railway question, and he was sure nothing would have pleased the noble Lord better than to have remitted the question for the decision of the House of Commons. One of the difficulties of the question arose from the fact that, on a *prima facie* view of it, all the arguments would be against the change that had taken place; for, as an abstract point, there could be no doubt that a break of gauge was a serious inconvenience. But Indian railways were very different from English lines. In this country we had a dense population and small distances to travel; but in India, so far as railway purposes were concerned, there was a sparse population and immensely long distances to travel. In India only 20,000,000 passengers passed over 5,000 miles of railway in a year; but in England 100,000,000 passengers were carried over the same distance in the same time; and the amount of goods carried in India was only 4,000,000 tons per annum, which was rather less than the amount carried over one English railway. What was the state of things when the change of policy in regard to Indian railways took place? During the last few weeks of his administration Lord Lawrence in an able Minute on the subject, stated that the ruinous extent to which the capital accounts of many English companies had been extended was a matter of public discussion, and if that was dangerous in England it was far more dangerous in India, where all ordinary restraints were removed by an absolute guarantee of the interest, which was now subject to no limitation whatever. Lord Lawrence went on to say that he regarded that danger with great concern, and that if the Government wished to avoid it they must take some means for putting an effectual stop to the insidious growth of the capital accounts of the old lines. Under those circumstances a reconsideration of the whole matter became almost imperative. The Government of India had already raised £90,000,000 of capital, and for interest on that the taxpayers of India had paid £17,500,000 from 1856 to 1869, in addition to the rates and fares paid for railway accomodation. The Indian railways had cost on an average between £17,000 and £18,000 per mile, or exactly double the original estimate. Had the cost been within the original estimate the railways would have been paying between 5 and 6 per cent, instead of costing the taxpayers of the country 3½ per cent. Under these circumstances it came under the serious consideration of the Government, and Government found themselves in this condition — They were perfectly impressed with the fact that India was starving for want of railroads; but they saw that if they were obliged to go on making at the cost at which they had been hitherto made, no country in the world could go on without coming to bankruptcy in a short time. Therefore it became necessary that the Government of India should take some means of making these lines at a far cheaper cost than railways had been formerly made. It was a little too late for the engineers generally, as a body, to come forward and say that the policy of the Government was wrong, and that the estimates were deceptive and theoretical —as, so far from being theoretical, the Rajpootana line was being made at £4,000 or £5,000 per mile. It was a common saying that no man would purchase an elephant to carry a donkey's load; but by constructing broad gauge lines in India that was precisely what they were doing. The traffic was altogether too small for the enormous weight of waggons that were to be found on the railroads. The consequence was, therefore, an enormous waste; and if the system of railways was to be begun again in India the broad gauge would not be adopted. He would give two or three figures to illustrate his meaning. Everybody connected with this question was acquainted with the Festiniog Railway, and men had come from America, Russia, and Norway to see it. Now, with a 2 feet gauge, it carried 9,388 tons per mile, while the broad gauge was carrying only 822 tons per mile; so that in India with a narrow gauge they would be able to carry 15 times as much as they were doing at this moment. The consequence of the broad gauge was that there was very much waste not only in power, but also in waggons, the weight of rails, and every single element that went to run up railway expense. And here he begged to refer to the authority of a nobleman who had done more than anyone else in England in the way of railway enterprize with a view to the benefit of the people among whom he lived, he meant the Duke of Sutherland. That nobleman having seen the Festiniog Railway, said—

> "I have expended about £200,000 in promoting and making railways in the North. Had these lines been constructed on the narrow gauge, and had they in consequence cost only two-thirds of the cost that has been expended upon them, I should have obtained a direct return on this large sum, which I have laid out for the benefit of my estates and of the people

in those remote districts. As it is, I shall suffer considerable loss."

The Duke evidently would not have been frightened by difference of gauge. He thought, therefore, if it came to be a question between narrow gauge and no railway at all that it was better to have the narrow gauge even though there should be a break. He would quote another passage from a pamphlet written by Mr. Fairlie, a distinguished engineer. He believed it was the opinion of Mr. Hawkshaw that although the Government of India might lay down a system of narrow gauge they would have to go to the expense of taking it up again. As Mr. Hawkshaw was an eminent authority, it was only fair to quote an eminent authority also on the other side. Mr. Fairlie said—

> "It will be seen that, notwithstanding the absence of competition, and with everything to favour the working of the line, the actual dead weight is over five tons to one ton. If, on the other hand, the gauge had been 3 feet instead of 5 feet 6 inches, the dead weight under the same management would have been reduced from 5 to 1, or 1¼ to 1. Let us imagine the saving that this change would effect in fuel alone, considering that less than one-fourth of the tonnage now hauled would afford precisely the same accommodation to the traffic that now exists, and would produce the same paying result. It surely does not require a philosopher to see that the narrow gauge is infinitely superior in every respect, even to the 4 feet 8½ inch gauge, and it ought to be engraved on the mind of every engineer that every inch added to the width of a gauge beyond what is absolutely necessary for the traffic adds to the cost of construction, increases the proportion of the dead weight, increases the cost of working, and, in consequence, increases the tariffs to the public, and by so much reduces the useful effect of the railway. Let us suppose, for one moment, that the conditions in the cost of construction in the two instances were reversed, and that a 3ft. gauge line would cost twice as much to make as a 5ft. 6in. gauge—even in such a case the difference in the cost of working each ton of goods would be so enormous that the narrow gauge would be by far the cheapest of the two in the end."

If there was a country in the world to which those remarks would apply, it was India. It should not be lost sight of that the people of India were very poor and unless passengers could be carried at a very cheap rate indeed the Government would not be able to fulfil the primary duty of giving accommodation to the people, and would be prevented by the unprofitableness of the concerns from extending them. What, then, was the course which the Government of India had to pursue? A great responsibility was thrown upon them. They were aware of the outcry that would be raised in India if they attempted anything like a change of gauge, not only by the companies and the engineers, but also by everybody who was against a break of gauge in the abstract, and who did not consider the difference between the condition of India and of England. The most minute calculations were made by the most eminent engineers in India. The most eminent engineers that India could furnish were sent to England to consult with the engineers at home. The India Council was consulted, and they took the opinions of very great engineers in this country. Many of these gentlemen, looking at the matter from an engineering point of view, were diametrically opposed to the opinion of the Government of India; many, on the other hand, took the Government view, and some said that under the circumstances of India, though they objected to a break of gauge, they were in favour of the system proposed to be introduced. The Government at home took a long time to think over the matter; finally, they referred it back to India, and left the decision to the Indian Government. The Government of India then decided that they saw no reason to alter the opinion they had formed, and the railroads were begun. The late Viceroy of India writing to a private friend upon this subject in January, 1871, said—

> "I have no doubt that our decision on the gauge will be very much attacked. The truth is, as regards India, 'Cheap railways or none,' and I would rather do without railways at all than incur the future risk of that normal increase of expenditure, and consequently of taxation, which is our only real danger in India. It is impossible in this country where the people are much poorer than is imagined, to dig deeply into their pockets. I say, then, let us have railways that will pay us, or no railways at all, if their effect will be to add £100,000 or £150,000 every year to the permanent debt of the State, I will have none. I have no hesitation in expressing a most decided opinion on this matter, and fighting for it, because it is one that is not in any degree a commercial or engineering question. It is a question of high policy, which I am better able to judge than the merchant or engineer. The 3ft. 3in. gauge will give us all we want for years, and will save us hereafter from financial and political difficulty, and it is very clear our duty is to have it."

He now came to the question immediately before the House—the line between Peshawur and Kurrachee. The hon.

Member for Orkney (Mr. Laing) did not lay much stress upon the commercial aspect of the question. He (Mr. Bourke) did not himself rest his case at all on the commercial view. Looking at the nature of the country he should say that nowhere could Government have been less justified in constructing a line of railway, than between Lahore and Peshawur, apart from strategical purposes. There was a sparse population, and the country was extremely unfertile. It was no doubt a very important strategical position; but it was impossible to imagine that any enemy could ever come across the Hindu Kush. It was absurd to compare Peshawur to Metz as the hon. Member for Orkney had done. There was not one point of similarity between them. Under these circumstances it was necessary that the railway from Lahore to Peshawur should be made on the cheapest principle possible. It was but an insignificant branch. When the line should be completed to Kurrachee they would then have a continuous narrow-gauge line all the way from Kurrachee to Peshawur; and the line would never have been made if it had only been intended to have a line from Lahore to Peshawur, because the whole question lay in having a line of 1,100 miles with all its rolling stock available for military purposes. The most eminent engineers all agreed that with the rolling stock of 1,100 miles of railway they could concentrate 12,000 troops in four days, with their artillery and food for some days. He did not mean that they could send elephants and camels as well, for he was not aware that they were sent by any line. They heard talk about the great masses of troops that it might be necessary to concentrate; but where were they to come from? In any case of danger they would have all their troops on the frontier, and every relief from Bombay, Ceylon, the Cape, and where else they could get them, would come to Kurrachee, from whence there would be a narrow-gauge system extending for 1,100 miles, which would be sufficient for all purposes. There would be another line of the same gauge for 180 miles, and indeed there was a very near chance of having in all 1,800 or 1,900 miles of narrow-gauge line. As regarded the break of gauge, there would be none along the whole frontier, and it was not so much a question of massing troops from the south to the north as the massing troops along the frontier. He could not but think, therefore, that the Government of India came to a right conclusion when they said that they would not spend one halfpenny more upon these lines than it was absolutely necessary to spend, because the danger in India which over-shadowed every other was the financial danger. What they wanted most there were railroads, but their only chance of having them was that they should be made cheaply. Under all the circumstances it would be madness to spend upon this railway a halfpenny more than was sufficient to construct the narrowest gauge line that would carry the traffic. The gauge fixed was 3 feet 3 inches, and it would carry 15 or 16 times more traffic than there was likely to be on the line for many years to come. He, therefore, hoped the House would pause before reversing the decision of the Government of India. He trusted that he might be allowed to say, in conclusion, that the Government of India, as constituted in 1871, would have been the last body of men to think the House of Commons was not a really good tribunal for this kind of question provided they took all the circumstances into consideration and and were not guided merely by one or two elements of the question.

Mr. DENISON said, that having in the past agreed with the Government of India, he did not now hesitate to express his difference from them. This was a question of first-rate importance. In a military and Imperial point of view it was difficult to exaggerate its importance, either independently of, but particularly in connection with, the present Central Asian question, which made this discussion very opportune. The Under Secretary for India (Mr. Grant Duff) had raised two objections to the acceptance of the Motion; first, that very considerable progress had already been made with the line from Lahore to Peshawur; and secondly, that they ought not to pass a Resolution which would be condemnatory of the action of the Government of India. The Resolution, however, was so worded that it would be simply an expression of opinion on the part of the House, and the Government of India might, of its own Motion freely reconsider the question with the advantage of the additional knowledge gained during the last 18 months. And if it came to a division he should feel compelled to vote for the Resolution, not without a deep sense of the impolicy of the House at any time interfering with the Government of India, but at the same time not deprecating that necessary and moderate expression of opinion on Imperial subjects which the House was occasionally called upon to give. He appreciated to the utmost the high character of the late Governor General, who took a conspicuous part in the action they were discussing, but, had they still the happiness of seeing him, he would, he was sure, have been the last person to object to public men expressing their opinions upon any portion of his policy. It could not be disputed that in extending railway communication in India it was desirable, wherever possible, to adopt the cheapest railway that the traffic of the country could support, and if this were an integral portion of a narrow-gauge line almost everything would be in favour of that gauge; but it was a mistake on military, strategical, and Imperial grounds to have a break of gauge, and particularly at this particular junction between two existing broad gauge systems. And if proof were wanting that the insertion of the narrow gauge between Kurrachee and Lahore and onwards to Peshawur was in the highest degree impolitic, it was at hand. For in order to connect this proposed narrow gauge along the Indus Valley with the same gauge in other parts of India, it was actually proposed to carry a line across the desert, from Ajmere to the Indus, 400 miles in length. And that simply because in no other way could the rolling stock of the narrow gauge travel from one part of the country to the other. The Report of the Viceroy and Council of India to the Secretary of State said that were this simply a question of constructing a section of the existing line between Lahore and Peshawur, they would dismiss all ideas of anything but a standard gauge line. That being the case, it was surely open to the House to review the decision of the Indian Government. It seemed as if the narrow gauge had been a foregone conclusion. There had been anxious endeavours on the part of the Government of Lord Lawrence, followed up by that of Lord Mayo, to find means of reducing the cost of railways in India, because it was impossible to continue a system which was causing so great a strain on the finances of the country. That was a very laudable object, and one which must commend itself to the approbation of all who had official knowledge of India. But the question was whether, having already expended about £90,000,000 on 5,000 miles of railways in India, it was worth while, for the mere saving of a single half a million of money, to destroy the completeness and continuity of their system of communication? Moreover, had the whole of the circumstances of the proposed line, with the new gradients, and new curves which had now been adopted, been under the consideration of the Government when their unfortunate decision was come to, he did not think that paltry saving would have led Lord Mayo to persist in that break of gauge at Lahore with all its acknowledged inconveniences and mischievous consequences. Having quoted a passage from a speech made by Captain Galton, in answer to the pamphlet of Mr. Thornton, the hon. Member complained that the military considerations involved in that question had been made light of and put in the background by the Under Secretary of State. The means of rapidly bringing up supports from the rear of an army massed on the North-West frontier had been treated as a very secondary matter; but if that was not a military or strategical line of railway, he wished to know what it was intended for at all, as it was admitted that the traffic would be of an insignificant amount? It was to be regretted that the Indian Government, in deciding on the question, had acted upon the advice of their military engineers, because there had existed an unfortunate jealousy between the military and civil engineers, which had produced injurious results in reference to railways. He could not see in what useful or constitutional way the House could express its opinion on so great a question, except in the form of a Resolution like the present, which was not one of a hostile but of a friendly character. In the opinion of the supporters of the Motion, it would be a serious error if the Indus Valley as well as the Lahore and Peshawur Line was not constructed on the same gauge, and made a continuous and integral part of the existing railway system. It was still possible for the Indian Government even now to reconsider its decision, for no steps of any importance had been taken which need prevent the question from being re-opened if there were any inclination to do it. If any expense had been incurred, it could not be so great as the cost of the triple line between Moultan and Lahore, which was to make their system fit in with what they proposed to do. The material for bridges and permanent way might all be diverted to Ajmere or elsewhere on the narrow gauge system. The estimate of the Government for making the triple line was £360,000, and still further expenses would have to be incurred in connection with it. He believed that it would still be the wisest course to abandon the metre gauge, and he feared that otherwise its adoption would in a few years prove to have been an injudicious measure.

SIR STAFFORD NORTHCOTE said, that this subject did not seem to him to be a simple one. There was first the question, if we were now engaged in considering as a new question the proper policy to pursue in the construction of lines in India generally, what policy ought we to pursue? Then we had to consider, if we were free to act on our own responsibility, what would be the proper course to pursue with respect to a system in which a great deal had been already done? Again, there was the great question, what ought the House of Commons to do in a matter which had been properly left to the Government of India, and on which it had formed a decided opinion? He approached this question without prejudice, but with considerable interest, because when he was Secretary of State for India this question of railway extension was very much under the consideration of the India Office and of Lord Lawrence, and it was thought that what was to be done should be executed on a consistent plan. A large part of the main trunk lines of India had been constructed upon the guarantee system, which was costing the Government annually a considerable sum. At the same time, there were many districts of the country which needed an extension of the railway system. What had already been done was laying a heavy burden on the finances of India, and it was dangerous to go on adding to those expenses. The conclusion come to was that it would be desirable to adopt a system of extension of lines throughout India, and that they should be guided generally by the amount of money placed at their disposal, and select the lines most likely to be remunerative. It was, however, considered that there were cases in which it would be important to proceed at once, without question as to the prospects of profit, on account of political or military reasons. All these questions had been considered with reference to extensions on the standard gauge, for though one company had then obtained concessions for lines in Oude and Rohilcund on a lighter system, the question of a narrower gauge had not engaged much attention. Among the exceptional lines which it was thought desirable on political or military grounds to proceed with at once, the Lahore and Peshawur extension stood foremost, and connected therewith the completion of the line between Kurrachee and Lahore. The Home Government rather pressed the prosecution of those lines, and, Lord Lawrence concurring in that view, it was understood when he quitted office that they would speedily be constructed, and on the standard gauge, no other plan having been contemplated. The object in view was not to guard against possible invasion, but to strengthen the North-Western frontier and enable troops and supplies to be rapidly forwarded in case of disturbance. After he had quitted office, Lord Mayo, who had succeeded Lord Lawrence, with characteristic vigour and grasp of mind, applied his practical mind to a comprehensive view of the whole railway system, which he saw ought to be developed as rapidly as possible; while at the same time he thought no undue burden should be laid on the finances of India. The question of constructing railways on a gauge narrower than the standard was considered, and the conclusion arrived at was that under that system it would be possible, at a comparatively moderate expense, to establish important lines of communication as feeders to the main lines of India. It must be borne in mind that the extension of the narrow-gauge system was still in part on its trial, and it was possible that the same kind of question raised that night with respect to one railway might be raised with respect to other railways which might be constructed. It might be said that the break of gauge would be a great impediment to commerce, and that there were cases where it was not applicable. The policy of constructing additional railways in India rapidly and cheaply had been deliberately adopted by Lord Mayo's Government, and they ought to be very cautious how they broke into that policy by objecting to its adoption in particular cases. When the matter was first brought under his notice he confessed he was surprised and not pleased at the contemplated break of gauge between Lahore and Peshawur. The more he thought of the matter the more he saw the difficulty of the situation. He was not convinced that if the matter was now for the first time to be decided on, he would say that the system now adopted was the right one. Regarding the question in the abstract, it would, he thought, be better that there should be but one gauge the whole way from Peshawur to Kurrachee, and from Peshawur to Calcutta and the East, and that great difficulties would be avoided by the maintenance throughout of the standard gauge. He quite concurred, too, in what had been said as to the undesirableness of breaking up the Grand Trunk Road, as it would to some extent be broken up by the policy which had been adopted. Again, he thought that the pecuniary advantage to be derived from the adoption of the narrow gauge had been over-rated, as the cost of re-laying portions of the line would be considerable. Still, no doubt a saving would be effected, especially when they remembered what had been said as to the throwing out of a branch line to Dadur, which might lead to a communication being ultimately established between the points commanding the Khyber and the Bolan Passes. It would be great economy to make that line upon the cheapest principle applicable to a line for military purposes, and it was important that there should be no break of gauge in it. Under all the circumstances, he felt himself in a very balanced state of mind with regard to the advantages and disadvantages of the system, and if the matter were *res integra* and we were the proper persons to decide upon it, he was bound to admit with his present state of information he should be very much inclined to agree with the hon. Member for Orkney (Mr. Laing). There were, however, two considerations which should not be left out of view. The first was that the work had been commenced, and that a certain amount of progress had been made in it. A particular policy had been decided upon, and there would be no little inconvenience in interfering with it now and undoing what had been done. It would, he thought, be unfortunate if it should go abroad that the policy of making cheap railways on the narrow-gauge system had been abandoned and discredited. He did not feel very sure either that it was desirable we should hold out to the world that it was of such enormous and pressing importance that India should have the means of rapidly sending large masses of troops to the North-Western frontier against a great European Power, and that for that purpose we had changed our policy. What we had to fear was not an advance on the part of Russia, but the danger which arose from agitation in the native mind in consequence of a belief that Russia was advancing. Was it not probable that the native mind would be still more agitated by any hasty change of our plan or policy, with a view to check that advance? What weighed with him most was the fact that the matter had been deliberately, and for a considerable length of time, discussed by the Indian Government and by the Secretary of State in Council in this country. The Secretary of State and his Council appeared not to have any very strong opinion upon the subject, as he gathered from the speech of the Under Secretary for India. There must have been a considerable division of opinion upon the subject, for in effect they told the Government in India that they were the best judges of the matter, but they had now come to the conclusion that they must support the Government of India, and that there appeared to be no sufficient reason for over-ruling the conclusion at which they had arrived. It would be under the circumstances a very delicate task for this House to pass any formal Resolution such as that now under consideration, for it would be a sort of censure upon the Government of India, and to dictate the policy which they should adopt. He did not suppose, looking to the quarter from whence the Resolution came, that it was intended to be of a hostile character; but it would not tend to strengthen the hands of the Indian Government to have such a Resolution as this placed on the Journals of the House. When they considered that the policy which the Resolution would recommend to the Government of India was one urging them to incur greater expense, and to throw a greater burden than they think right on the Indian taxpayer, the House ought to be very cautious how they adopted such a Resolution. He regretted the absence of the hon. Member for Brighton, who took so much interest in the Indian taxpayer, because the adoption of the Resolution might be misunderstood. Approaching, therefore, the subject with rather a leaning towards the hon. Mover's opinion in the abstract, he had clearly come to the conclusion that it would be a very great misfortune if the House were to formally place a Resolution of this kind upon its Journals. The discussion was no doubt right and reasonable. He did not know if he might go so far as to hope there was still time for the Government of India to reconsider the question; but, at all events, it was a question well deserving the consideration which it had received from that House. He hoped, therefore, the Mover would be satisfied with the discussion, and would withdraw the Motion, and not put himself and others in the position of voting upon the Motion, thereby indicating a feeling as to its merits, which it would not be altogether just to attribute to them.

Mr. GLADSTONE said, he ventured to second the appeal made by the right hon. Baronet opposite. His hon. Friend the Member for the Orkneys (Mr. Laing) must be sensible that all of them approached the discussion of this question with a prepossession in his favour. They had had in this country much debate upon the break of gauge. The greatest of all the railway battles was fought in that House about 30 years ago upon that subject; and nothing could be more decisive than the victory, not only of the narrow over the broad gauge, but a victory of unity of gauge over diversity of gauge. Consequently, it had become with them a sort of fixed principle. And we were very slow to admit the possibility of a different arrangement. There were peculiar circumstances in this country, but they hardly detracted from the general rule. Coming to the question with a prejudice in favour of the Motion, there were very strong reasons why the House should not at the present time commit itself to a Resolution of this nature. In the first place, it would be a distinct declaration, in an abstract form, of a title by the House of Commons to give directions to the Government of India with regard to the executive details of that Government, and that would be an important precedent to establish. In the next place, the primary effect of the operation of the Resolution would be to increase the financial burdens of the people of India; and he could not help feeling that the House was a great deal stronger in cases where it interposed even beyond the recognized limits of its action presumptively in favour of those who paid the taxes and bore the expenses of Government in any part of the Empire than in a case where *primâ facie* it would be interposing with the direct effect of adding to those burdens. Then let them consider the effect as regarded the House itself. His hon. Friend and those who supported him were, from their experience of railway matters, entitled to speak with what corresponded to official authority; but he would allow that there was something a little difficult in the position of the independent Member like himself and others who could not feel that they had acquired by a tentative discussion of this kind such a true and proper competency to deliver a judgment in the matter as to warrant their laying down the law in the shape of a Resolution. There was this further consideration—that the authority of that House never should, by any voluntary act of theirs, be subjected to receive a rebuff; and he was by no means certain that, if they were to pass this Resolution, such might not be the result. The House would not pass such a Resolution in the case of a Colony having a representative Assembly. As a substitute, India had a body of gentlemen independent of Parliament. They had heard of the impartial attitude of the Council of India on this question, but he was not so sure that the Council, which Parliament had set up as a statutory authority, might not feel it to be its duty to oppose itself within the limits of its power to the claims of that House to pass a Resolution of this kind. The passing of the Resolution might leave the House in a painful position in case it did not produce the desired effect. He did not give a judgment of his own for or against what had been said of the Government of India. Under these circumstances, the wisest course for the House to pursue was that which had been pointed to by his right hon. Friend opposite. Those who knew his noble Friend the present Viceroy of India when in that House were well aware of his just balance of mind and his diligence and impartiality, and would readily believe that the arguments and statements made that night would be carefully considered by him and by his councillors and advisers. But if any further pledge were wanted, he could engage that the whole of this discussion should be duly commended to their consideration.

MR. LAING said, he thought that after the speech which had just been made, and the speech of the right hon. Gentleman formerly Secretary of State for India, the best discretion would be exercised by being contented with the strong expression of opinion elicited in the course of the debate, and refraining from pressing his Motion to a division.

Amendment, by leave, *withdrawn.*

IRELAND—OVERFLOWING OF THE SHANNON.—RESOLUTION.

MR. MITCHELL HENRY, in rising to call the attention of the House to the loss and misery produced in Ireland by the overflowing of the Shannon and its tributaries; and to move that

> "The evils brought upon a large portion of Ireland by the periodical floods of the Shannon and her tributaries are attributable to the state of the navigation works, and to the neglect of the recommendations of the Commissioners appointed under the Act 5 and 6 Will. IV. c. 67, and that the navigation works, which are the property of the Government, and under their exclusive control, are far behind the present state of engineering science, and admit of great improvement at a comparatively moderate cost; and that it is reasonable and right that, whilst amply maintaining the means of public navigation, measures should be forthwith adopted to relieve a district of many hundreds of miles of the vast and unnecessary suffering inflicted upon it by the useless impounding of the waters of the River Shannon,"

said, the navigation of the Shannon, which was under the management of the Government, was the cause of a degree of misery of which the people in England had no notion. For about 150 miles of the upper part of its course the Shannon was very sluggish, and presented great obstacles to navigation, which it was thought desirable to remove, because before the invention of railways, inland water communication had an importance which in the present day they scarcely appreciated. Under the Irish Parliaments, and after the Union also, various efforts were made, but it was not until the year 1831 that the present works were contemplated. Reports were made in 1832 and 1833, and in 1834 a special Commission was appointed, which included Sir John Burgoyne, Sir Harry Jones, Sir Richard Griffiths, and two civil engineers — Mr. Cubitt and Mr. Rhodes; but of these gentlemen one only — Sir Richard Griffiths — is now alive. The Commissioners made not less than five Reports, accompanied with elaborate plans, and an estimated cost of £532,668. Eventually the works proved more expensive than had been anticipated, and were consequently altered and economized, and, as it has turned out, in some parts were seriously deviated from and injured; but in the year 1850 they were reported to be complete, at a cost of £600,000, and shortly afterwards the Special Commission was dissolved, and the works themselves were transferred to the Board of Public Works in Ireland, in whose hands they still remain. He would not go into details which would be better left to his gallant Colleague (Major Trench) whose engineering knowledge gave great weight to his opinions. Of the sum expended the Government contributed one half, and the other half — not less than £300,000—was assessed upon the neighbouring counties, and was paid, not by the landlords or owners, but by the occupiers of the land. The money, after all, was insufficient to complete the undertaking, and the result had been that the condition of the unfortunate people who lived in the neighbourhood was made in rainy years even worse than it had ever been before. In ordinary years there was, perhaps, some slight improvement, but miserably slight after such an expenditure. The object of the Government had been to impound as much water as they could for the navigation, and six large stone weirs or dams had, therefore, been constructed, but no sluices were attached to them; and, consequently, the water could never get below a certain depth, and as the Shannon was fed by three large lakes, in rainy weather the river rose very slowly, and the water being impounded by the weirs spread slowly over the adjacent lands and drowned them. The Government was the possessor of these works, which if kept in a state of efficiency would improve both the navigation and the drainage, but which in their actual condition inflicted great loss and suffering upon the country around. No one would now propose to build solid stone walls across a river, and provide nothing to relieve the pressure of an unusual amount of water; and with all respect to the eminent engineers who were employed, it was impossible not to see that they had committed a gross blunder in this respect. Whatever excuses might now be made, he was certain that if the works were to be designed in the present day, there was not an engineer in Europe who would repeat this disastrous mistake, and the House ought to note that in the course of the long, repeated and expensive investigations instituted by the Government into the state of the Shannon of late years, no question had been raised as to the necessity of making sluices in these solid dams; but the question simply was what form of sluice should be adopted as most likely to prove effectual? Having made this preliminary statement, he trusted the House would be of opinion that the condition of the poor people in the neighbourhood of the Shannon was one of unexampled hardship, and demanded instant attention. He did not for one moment claim that the Government ought to drain any man's land — that was a matter for private arrangement, and could be accomplished in the usual way by borrowing money on the security of the land which was to be drained; but he did say that the Government were morally and equitably bound to see that their navigation works were so constructed as not to inflict unnecessary injury upon the occupiers of the soil. No human being could touch these works except the Government, and however plain it might appear that when the waters were rising some additional facilities should be given to let it run off, nothing whatever could be done by the people to help themselves, but there they had to sit, powerless, with their hands folded, and see the ruin gradually coming upon them, through the want of sluicing power. Human nature had sometimes given way, and the people had determined to destroy some of those artificial obstructions which were bringing such losses and misery upon them; but in every such instance better counsels had prevailed. Contrasting this with the action of the Welsh in destroying the toll-bars some years ago in Wales, he hoped the House would draw no unfavourable deductions as to the patience of Irish peasants. In the month of November last he made a tour of the Shannon for a distance of 150 miles, for the purpose of seeing with his own eyes the effects of the inundations; and in rowing in an open boat, he assured the House that for miles and miles they saw the crops still unreaped, waving beneath the waters, and very often found it quite as easy to row over the fields as to keep to the channel of the river. Rather than trust, however, to his own description, he would read the following extract from a letter lately addressed to *The Irish Times*, and he thought it would strongly appeal to the sympathy of the House—

> "The inhabitants of the villages of Golden Island, Clonown, Carrick, and Bounaribba are in a pitiable state, nearly all the houses being surrounded with water. Boats are anchored at the doors, beds are slung like hammocks from the beams or rafters, iron pots are placed on tables or other permanent fixtures with fires in them, and in many instances, where doors will admit, boats remain stationary under the beds ready for the immediate exit of their cold occupants. Can anything be done to remedy this sad state of affairs?"

The depth of water maintained over the sills of the various locks on the Shannon, wanted for the passage of vessels from one level of the river to another, was far in excess of anything required even for the clumsy boats now employed in the navigation, and it was the opinion of engineers of great eminence that the introduction of sluices into the solid weirs, combined with a moderate amount of dredging in some places, would effectually control all the worst evils arising from autumn floods. In providing a remedy the Government would, no doubt, have to spend a large sum of money on their navigation works, but he held that, notwithstanding the expense, they were bound to put these works in reasonable and reputable repair. The proprietors and occupiers on the Shannon and the river Suck had frequently asked the Government and the Board of the Works for permission to drain their lands at their own cost, but this reasonable request had been invariably refused. He hoped the Government would put those navigation works in such order that terrible sufferings, such as those which he had mentioned, should no longer be inflicted on thousands of helpless people. That they should do so was, he contended, a matter of Imperial policy. The hon. Gentleman concluded by moving the Resolution of which he had given Notice.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the evils brought upon a large portion of Ireland by the periodical floods of the Shannon and her tributaries are attributable to the state of the navigation works, and to the neglect of the recommendations of the Commissioners appointed under the Act 5 and 6 Will. 4, c. 67; and that the navigation works, which are the property of the Government, and under their exclusive control, are far behind the present state of engineering science, and admit of great improvement at a comparatively moderate cost; and that it is reasonable and right that, whilst amply maintaining the means of public navigation, measures should be forthwith adopted to relieve a district of many hundreds of miles of the vast and unnecessary suffering inflicted upon it by the useless impounding of the waters of the River Shannon,"—(*Mr. Mitchell Henry,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. M'LAREN observed that the original grant was £100,000 for these 2,800,000 acres of land; therefore a contribution of one shilling on each acre would raise £140,000. Why should not every man with 20 acres pay 20*s.* to improve those acres? and why should not every man with 1,000 acres pay 1,000 shillings for the improvement of his acres? The hon. Gentleman (Mr. Henry) seemed to have overlooked all this, and to have thought that Government was in some way or another the proprietor of this navigation, and could apply it to some useful national purpose. Parliament provided that £490,000 should be raised in one lot, and that when the works were finished, the Commissioners appointed by the Act should hand all over to the Board of Works in Ireland. It was assumed that they would be profitable works; for it was arranged that part of the costs should be paid by bonds, and part should be laid upon the land. The income from the river was only £1,200, while the expense of managing and keeping up the works was £3,200 a-year, so that in place of getting the expected pecuniary advantage out of it, there was a loss of £2,000 a-year. It seemed to him, therefore, that the landlords should themselves provide the money to effect the improvements to the extent proposed by the hon. Gentleman. He was afraid his hon. Friend had overlooked the fact that the weakest link is the strength of the chain, and that the shallowest part of the river was the gauge of the size of ship which could pass. There might be five or six shallows, but according to what he had heard, if two were deepened it might be rendered navigable, and he repeated that it seemed to him this ought not to be done at the expense of the taxpayers of the United Kingdom, but by the owners of the land, who would reap the benefit of the expenditure.

MAJOR TRENCH, in rising to second the Motion, said: Sir, unless the hon. Member for Edinburgh has seconded the Motion of my hon. Friend and Colleague, I rise for the purpose of seconding it. Before entering into the matter which is before the House, I wish to say one word for the information of the hon. Gentleman who has just sat down. In referring to the statement made by the Mover of this Motion, "that he had found great depths of water this year on the lock sills, in some cases 13 feet," he said, that, though he might have found this depth in the deep places, there might at the same time have been no more than 5 feet on the shallows. Now, Sir, I wish to state that the depth of water in the river is so regulated that when there is a depth of 6 feet on the lock sills, there is a depth of 6 feet 6 inches on the shallows; therefore, at the time my hon. Friend made his registry of 13 feet at the lock, there was probably a depth of 13 feet 6 inches on the nearest shallows. After the remarks which have fallen from my hon. Friend, and after the graphic descriptions he has given us of the state of the country subject to the inundations complained of, it will be unnecessary for me to take up the time of the House by enlarging upon them. I will only say that I can confirm them, and say that the passage he quoted from a letter of mine descriptive of them is in no way exaggerated. I will pass on at once to some practical points to which I wish to call the attention of the House. My hon. Friend and Colleague, the Mover of this Motion, inserted the following words in it at my suggestion. They are the following:—"And to the neglect of the recommendations of the Commissioners appointed under the Act 5 & 6 *Will.* IV. c. 67." Now, Sir, the reason I asked him to insert them was that hitherto it appears to me that the merits of this question have been much misunderstood. An idea has been prevalent that the full intentions of the Acts, under which the Shannon Navigation Works were constructed, had been carried out: this belief has, I have good reason to suppose, hitherto militated against the satisfactory dealing with this question. Now, Sir, although I am no lawyer, I nevertheless believe that I am correct in supposing that all proceedings, preceding and giving rise to the passing of an Act for a certain purpose, may be said to be considered in the spirit of that Act, more especially if they are referred to in the Preamble. Now, Sir, I wish to demonstrate to the House, that although the works undertaken under the Acts to which I shall have to make reference were mainly for the purpose of making the River Shannon navigable, they also were intended to accomplish—as a necessary consequence of the proper carrying out of those works—an object of immense importance to an agricultural country—namely, "the confinement of the river to its natural channel, and the relief of the lands hitherto inundated." To establish my case, I shall be obliged to show that certain works which ought to have been carried out were not carried out. I do not seek to put blame upon anybody; but, to do justice to the case, I consider it necessary to let the truth be known. Now, Sir, as I said before, that which is embodied in or alluded to in the Preamble of an Act, may be read in connection with that Act. I hold in my hand the Act 5 & 6 *Will.* IV. c. 67. In its Preamble I find allusion made to certain surveys—

> "And whereas certain surveys have been made under the direction of the Lord Lieutenant of Ireland, whereby it appears that the whole course of the said river . . . . . may be improved and thrown open, &c."

These surveys are those alluded to by my hon. Friend and Colleague, and, with the permission of the House, I will read an extract from the letter of the Chief Secretary for Ireland (the late Lord Derby) to the Chief Commissioner of Works, directing the undertaking of those surveys. The letter is dated 18th October, 1831, and in it he is instructed to undertake inquiries which

> "Should take within their scope the beneficial results which might be expected from a judicious expenditure of capital upon the River Shannon, both with reference to the improvement of its navigation, and also to the reclaiming of vast tracts of land, now either inundated periodically by the floods of that river and its tributary streams, or rendered permanently incapable of cultivation from the accumulation of waters which are unable to find a vent."

The instructions went on further to direct the Chief Commissioner to report his opinion as to

> "The practicability and advantage of establishing such a control over the occasional floodings of the Shannon as may tend to a beneficial drainage and reclamation of the bogs and lowlands through which it passes,"

and it goes on to say that he is to take care "to connect with such a view the preservation of every advantage to be derived from the navigation of this great river." So far, Sir, I think the idea was navigation and reclamation. Now, Sir, what does the Act say about it. In the 4th clause I find that, in addition to providing for navigation, it enacts that "the said Commissioners for the execution of this Act shall" prepare the necessary plans, &c., alluding to navigation, "and for confining the waters thereof, and preventing the inundation of the contiguous lands." It appears to me that the intention embodied in the Preamble is clearly defined. In the 8th clause of the same Act it is enacted that

> "In case they should find that any particular lands are likely to derive peculiar benefit from the waters of such navigation being confined to their natural channel, so as to relieve such lands from inundation,"

that they should be charged in proportion to the benefit likely to accrue. Under this Act, there was a Commission appointed of the most eminent civil and military engineers of the day. They proceeded to make the most careful examination of the river. I forgot to mention that the preliminary surveys, to which I have already alluded, were carried out under the direction of the Chief Commissioner by two most able men. Commander Mudge, R.N., executed that for the tidal portion of the river, and the fresh water portion was executed by Mr. T. Rhodes, C.E. His Report was approved of by the Commissioners, and the general principles laid down by him were adopted in the very elaborate series of recommendations, illustrated by plans and sections, which they prepared. I will not now enter into them, but merely state that, in 1839, the Act 2 & 3 *Vict.*, c. 61, was passed, authorizing the carrying out of the plans and recommendations of the Commissioners. In the Preamble of this Act, with some few quotations from which I must trouble the House, I find it recites the passing of the Act 5 & 6 *Will.* IV., c. 67, and alludes to the Commissioners appointed under it

> "for the purpose of ascertaining the works necessary to be executed for the improvement of the said navigation . . . . and for the other purposes therein mentioned."

What other purposes? If not those to which I have called attention! The Act then goes on to say—

> "And whereas the said maps and plans are now deposited with, and are in the custody of the Commissioners of Her Majesty's Treasury, and it is expedient that the several works mentioned and described in the maps and plans aforesaid should be carried into execution. . . . Be it enacted . . . that the several works mentioned and described in the maps and plans aforesaid shall be carried into full and complete execution."

The remaining clauses of this Act principally relate to finance and to the giving of powers; but in the 38th, 42nd, and 44th clauses, I find allusions made "to the drainage to be effected under this Act." I ask the House whether, so far, it is not of opinion that drainage and the relief of lands were intended? Now, Sir, this Act was for the purpose of carrying out certain works; and I think I shall not be incorrect in saying that the "letter of the Act," as regards the works, may be taken from the very elaborate and carefully prepared plans referred to in the Preamble, and that the "spirit of the Act" may be taken from the Reports accompanying those plans, which are descriptive of them and of their objects. I have these plans and Reports here; they are very voluminous. I will not trouble the House by reading them all; but I have made such extracts from them as I consider necessary to establish my case. Now, Sir, it is gratifying to me to find that the Commissioners took the same reading of the Act of 1835 that I take. I shall have, I fear, to trouble the House at some length; but as this case has not been thoroughly put forward before, I will ask for its patience and indulgence. My hon. Friend and Colleague has given a very true description of the weirs or dams, and of their effects upon the country. Now, I will read from page 14 of the Commissioners' Report, dated December 5th, 1837, in which they describe the object of these weirs as being

> "To pen up the water to a certain height, so as to preserve in the driest seasons a depth of 6 feet 6 inches in the shallowest parts; and at the same time, by extending their length, &c. . . . . . we anticipate such an increased rapidity in the discharge of the waters in wet seasons, as to prevent the flat meadowlands adjoining the river banks being flooded as they are at present during at least six months in the year."

In the very next paragraph in this Report I find a special description given of the objects to be attained by the weir at Killaloe—of which I shall have more to say presently—and, of course, the works to be accomplished in connection with it. It was intended "for the regulation of the waters as far as Meelick," and its working was thus foretold—

> "In winter, or times of heavy rains, there will be an overfall adequate to the discharge of the superfluous waters, so as to prevent the evils arising from the overflowing of vast districts of land adjoining the river and lake, which are inundated during the whole of the winter months and frequently during autumn."

The intention was excellent, doubtless, and might have been accomplished if the works designed had been carried out. In another passage in the same Report they recommended that the works upon the Upper Shannon should be undertaken before the "Limerick Navigation," on account of "the navigation being in a most imperfect condition, and the country suffering greatly from the effects of inundations." I now, Sir, take up another Report, dated February 21st, 1839, to show that the Commissioners up to the period just preceding the passing of the authorizing Act, were still contemplating the relief of lands. In the very first page of this Report, they classify that which they have to submit under two heads. Under the first, they enter "the surveys, designs, and estimates for works . . . . for the improvement of the navigation and drainage." In the 5th page of the same Report, the objects of the proposed works are described as being "to remove shoals, eel-weirs, milldams, projecting points, and other obstructions to the navigation and drainage." I might go on quoting passages to the effect which I wish to establish; but I will not weary the House by quoting more, except to refute the only argument which can be brought against my case. That argument would be founded on a passage in the Report of the Commissioners, with reference to the provisions of Clause 8 of the Act of 1835. It is in page 19 of their second Report, and is as follows:—

> "With regard to an applotment upon individuals, in proportion to the benefit to accrue to their lands, we had that measure long under our anxious consideration. We had the extent of the flooded lands accurately surveyed, and employed valuators to draw up a scale of probable effects; but it is almost impossible to define the precise extent of these prospective advantages. . . . . The tax must be so inconsiderable, so difficult to applot and to levy, and of so irritating a character, that we cannot perceive how it can be done with justice, and therefore do not recommend its being attempted."

Now, Sir, I believe it has been stated that because these lands were not specially assessed,'as provided under the Act, that they have no reason to complain if they are swamped. I beg to submit that this passage cannot be taken as a public declaration that the secondary object with which the works were to be undertaken was to be ignored; for, in almost juxtaposition, I find the following brilliant description of the change which the Commissioners hoped to make in the face of the country. It is in page 17 of the same Report, and is thus described—

> "There cannot be a doubt that a successful regulation to prevent the rising of the waters, such as we anticipate from the effects of the weirs . . . . will cause a great though unequal degree of improvement in the lands that are subject to the floods; such as are naturally fertile, though now covered by herbage of a coarse quality, may hereafter be tilled, and become profitable under arable cultivation, or, if preferred, may be continued as meadows, but of a very superior quality; and many portions of the lands relieved from the most injurious inundations, will, in future, be susceptible of irrigation at pleasure."

Now, Sir, those who read this Report cannot have anticipated that relief was not to be afforded, and those who penned it must, it is naturally to be presumed, have intended that the good they anticipated would be accomplished. Again, among the closing observations of the Commissioners, in, I believe, their last Report, which preceded the passing of the Act of 1839, I find that in adverting to the heavy charge which it was intended should fall upon the counties, they say—

> "It is true that the amount proposed to be assessed on the different counties and districts is considerable, but"—and they go on to encourage them to bear it cheerfully by adding—"the improved state of the callows, after the waters shall have been duly regulated, will more than compensate for the temporary sacrifice."

Now, Sir, though I could go on quoting, I think I have extracted enough from these Reports to show that the districts, which, as far as we know, allowed themselves to be rendered chargeable without a murmur, must have done so in full confidence as to the results that were to be obtained to the country. To say that the lands were not especially charged for immediate relief under the 8th clause of the Act of 1835, and therefore that they have nothing to complain of, is no argument. As my hon. Friend has said, the river, once the works were completed and it was declared navigable, became public property; and, being under the sole guardianship of the Government, the occupiers of the lands adjoining it became powerless to help themselves, as far as drainage is concerned, unless the river be first placed in a condition amply to discharge its flood and drainage waters. Before I close the Reports of the Commissioners, I will trouble the House with one more quotation, which bears directly upon the words which I got my hon. Friend to insert in his Motion. The passage is among the general observations of the Commissioners concerning the works to be undertaken, and is, I apprehend, of great importance. Knowing full well the difficulties attendant upon bringing the waters of the river into perfect regulation, and that failure would result if any fit of economy was to prevent the thorough execution of all the main features of the works recommended: they say, at page 12 of their second Report—

> "Should it even be thought advisable to defer, for the present, the execution of any part of our plan, we recommend that each successive portion

should be so undertaken as to lead to the eventual attainment of a perfect work."

Now, Sir, without wishing to find fault, or to raise any feelings of bitterness in any quarter, I feel bound, in justice to the country affected, to state what anybody who will take the trouble to look through these books of evidence will see to be a fact, and what, in part, I know from personal observation to be a fact, and that is, that the recommendations of the Commissioners were not carried out, more especially as regards the removal of shoals and the increasing of the sectional area of the river in places where its discharging powers are unequal to the calls that are made upon them. Immediately after the passing of the Act of 1839, the works were proceeded with. In the course of their progress much good was done. I do not pretend to say that the works have made the extent of the inundations greater than formerly. What I wish to point out to the House is, that certain works not having been carried out, and, as my hon. Friend's Resolution has it, some of those executed — the weirs—being behind the times, the country is placed in a much worse position than that which was intended to have been the result. But to continue. Great relief was in places afforded; but this was rather by works of "destruction" than of "construction." The eel-weirs which covered the shoals were removed, giving immediate relief; but the shoals on which they were situated were not removed, or, at any rate, not to the extent intended. Sir Richard Griffiths —the only survivor I believe of those eminent men whose recommendations were so wise—accounts for this in his evidence given before the Committee of the House of Lords in 1865, by saying that after the upper surface was dredged away they came on rock which they could not dredge, so it was left. No additional efforts were made for securing the eventual attainment of a "perfect work." Numerous serious deviations of this nature were made. I will not weary the House by mentioning many of them. I will mention two, which will serve to illustrate the nature and the importance of these deviations. These I have inspected myself, so I can speak of them with confidence. At Meelick, before the works, the river separated into two channels, enclosing a very considerable island. The works contemplated the closing of one and the increasing of the sectional area of the other in a compensating degree so as to give discharging room for the waters and depth for navigation. Now what was done? One channel was closed; the other was not widened and deepened as contemplated. The House can imagine the consequences to the country behind, all along the flat reach up to Banagher; but the non-removal of this very important shoal made its importance apparent as soon as the navigation opened. I think it was in 1847, it was found that the boats touched this, which was, and ought to have been removed. What was done? Was it removed? No! A timber superstructure was placed on the top of the weir, in order to retain water upon this shoal to enable boats to pass. The aggravation of the evils on the country above can be understood. One other place I will allude to is Killaloe, situated at the foot of Lough Derg. At this place, immense discharging power is necessary to enable the vast quantities of waters which come upon it to be let off. It was intended, as shown by the plans—which, I consider, form part of the Act of Parliament—to widen the channel between the Lough and the weir, to remove a large quantity of shoal, and certain islands which obstructed the passage of the waters, and to place the weir at a certain level. What was done? The lake was lowered, and the channel dried. The work of removing the shoal was commenced, but never finished, the islands were not removed, the channel was not widened to anything like the extent contemplated, and last, but not least, the weir was built six or seven inches higher than the approved level. Now, six or seven inches may appear small and insignificant to many hon. Members present who are unacquainted with the country; but let me assure them that six or seven inches are of the utmost importance in a country like that between Portumna and Meelick. Now, Sir, I think I have mentioned enough to show that the recommendations were not carried out in many essential points, and that the consequence has not been the relief of the lands from inundation. The inundations are still as described by my hon. Friend the mover of this Resolution. The people along the river who were rated, believe that they paid for relief from liability to inundations, and I really think I have shown that they ought to have obtained such relief. My hon. Friend I think is mistaken in fancying that all those far removed from, and those near the river, paid in like proportion for the works. I think I am right in saying that the baronies adjoining the river were charged at a higher rate on account of the benefits that were to accrue to them. I recollect when I was a child hearing rather an amusing story connected with the collection of this rate. A farmer who held a good deal of land near the river was called upon one day for his money. He pretended ignorance of what the call was for, and when the collector said it was for the Shannon Improvements, and that the charge was assessed upon his land, he said that he would willingly pay the collector if he would show him his farm. They looked out, and found that it was totally covered by the overflow of the river. Now, Sir, I come to ask what advantage has been obtained by this vast expenditure of money? Agriculturally, I may say none. I may even go farther, and say that a complete bar has been put to the improvement of the low lying saturated districts. Then, as to navigation, I do not deny that, taken from that point of view only, there is a navigable river with some fine locks and wharves upon it, but there is no traffic. While the means of navigation have been afforded, the improvement of the country, which would have created a traffic, has been prevented. That the traffic is very inconsiderable I can demonstrate. I have extracted from the Returns in the Library of this House an account of the receipts from and expenditure on the maintenance of this navigation. They show that the cost of maintenance has exceeded the receipts from tolls and wharfage from the year 1852 to 1872, by the sum of £32,320 5*s.* 7*d.* That is what has been gained (?) by the incomplete carrying out of the works at a cost of £600,000. But how has this deficiency been made good? I will tell you. The navigation is endowed. I called for a Return at the beginning of the Session which the House was pleased to order. We have not yet got it; but I believe that when we do get it, it will show us that a remnant of the money raised by the counties and granted by the Treasury remains unexpended, and is at present invested in certain buildings, lands, and premises, which are not required for the purposes of the navigation, except to meet the deficit by means of their rents. I will explain to the House how these monies came to be so invested. Under the Act all mills, water-rights, and fisheries were bought up, so that the complete control of the water might be obtained. Now, Sir, I maintain that when mill premises and weirs were purchased for this purpose, many of the mill sites might have been sold again, less their right to dam up the river, and a considerable sum of money might thus have been realized to have gone towards the completion of the approved works. I hope the money value of such premises may be made available to assist in meeting the expenses of carrying out the measure, which I trust the Government will see fit to introduce. I maintain that when it was found, or considered, necessary to leave certain essential works undone, the counties, which were joint partners with the Treasury in paying for them, should have been consulted and asked if they would pay more, before the non-performance of these works, and the subsequent reporting of them as complete, was decided upon. The counties were unrepresented on the Commission, and relied in full faith on the Government that the approved works would be carried out. The approved works were not carried out, much to the detriment of the agricultural interests of the country, and I consider that the responsibility lies with the Government. I do not seek to lay blame on any individual; but, in justice to my country, I feel it my duty to state this plainly. I am sure that if the Shannon was in Scotland, that the hon. Member for Edinburgh would, under similar circumstances, with his brother Members, be far more zealous to obtain justice for his country than we have been in Ireland. Now, Sir, it may be asked what are the remedies for these evils? The question has been inquired into by some of the most eminent engineers of the day; but they, like doctors, differ. Their rival reports—doubtless all good—are in the possession of the Board of Works in Ireland. I will not presume to comment on them; but I will make a few common-sense suggestions, which I hope the Government will cause to be taken into consideration in connection with any measure they may see fit to introduce for the settlement of this question. I will first say, that I think if the Government was to propose to this House, that the important defects in the carrying out of the approved works should now be made good, this House would willingly consent to that which, in justice and equity, is right and reasonable. It is most important that the natural obstructions should be removed, as there is a fall of only 4 inches in the mile on the greater part of this river. The dams or weirs ought, of course, to be modernized and fitted with suitable sluices. But in connection with whatever works they may propose, I would most earnestly urge upon them the fact that however important the navigation of the River Shannon may have been before the introduction of railways, its importance now cannot be considered as having precedence of the agricultural interests of the country. I would urge upon them that it is unnecessary to keep an exceptional draught of water between Killaloe and Leitrim. The draught of water between Killaloe and Limerick is 4 feet 10 inches; between Leitrim and Lough Allen, it is, I believe, 4 feet 6 inches; the maximum afforded by the other canals in connection with it is 4 feet 6 inches, and but few of the boats navigating the Shannon at present draw more than 4 feet 6 inches. I would, therefore, most earnestly urge that the draught on the river should be assimilated to that on the canals. This change in connection with the other requisite works would be of incalculable value to the country. There is an idea prevalent in the county Limerick, among some who are nervous and fear that they might be reduced to the state of those bordering upon the Upper Shannon if the general level on the upper part of the river was reduced. Now, let me assure the hon. Members for Limerick, who I see on the other side of the House, that there is no need for apprehension on this score. If the waters are lowered, as I hope they may be from and above Killaloe, there will be so much less water in and saturating the country. The normal level will be changed; but there is no reason to suppose that more water will fall in the country than heretofore. Thus the discharge will be no greater than heretofore. There will be this great difference between the new state of affairs and the present. If the waters are lowered, the lakes can be used for storing flood waters, to be let off at pleasure when their discharge will inflict least injury on the reaches below. At the present time there are no means of controlling the flood-waters. I would beg to remark that every foot of lowering in Lough Ree and Lough Derg will give storage room for from twelve to thirteen hundred million cubic feet of water in each. A great amount of control might thus be obtained.

I must thank the House for having given me its attention so long. I will not trespass upon its time much longer. I was very anxious, as we have a strong case, to let it be known; more especially as I felt certain, from the answer which the right hon. Gentleman the Chancellor of the Exchequer gave me on the last evening of last Session, that it must hitherto have been misunderstood by the House. On that occasion he told me that he would be very glad to introduce a measure, if he saw any prospect of carrying it, but that he was not encouraged by the reception which his measure of 1870 had met with in the House. I have since then been doing all I can to ventilate it, and I have, at some length, put it before the House now, feeling that it only has to be understood, to insure its being dealt with in a just and equitable spirit. I have not put forward my statement in any unfriendly spirit to anyone. I am anxious to show the Government that there is a strong case, and a sufficiently strong one to insure a favourable reception by the House of the measure which I hope they may see fit to bring forward. I am sure that the selection of the works requisite might safely, and in all confidence, be left to the highly-efficient Gentlemen who now preside at the Board of Works. I believe that though there are nominally three, there are only two working Commissioners; their hands may be already very full, but they are well acquainted with the subject, and I think that the country may have every confidence that if works are again to be undertaken they will be thoroughly carried out. There is one point in connection with this question which I forgot to observe upon—that is, that it is not the people upon the banks of the Shannon alone who suffer by the present lamentable state of affairs. Districts at a distance from the Shannon are kept unimproved and unimprovable. I believe there are several; but I can speak for one, in which I live myself—that is, the valley of the Suck. This valley, with its 72,000 acres of inundated and injured lands, is in a most lamentable condition. Since the year 1845 or 1846 there have been repeated efforts made on the part of the landowners within this district to improve their river. They began their efforts in a most laudable spirit, in the famine year, when their desire was to afford employment to the famishing poor. It has never been drained, however, on account of the state of the Shannon, and the owners and occupiers of that district are now anxiously waiting to be allowed to drain their own river, if the Government and this House will only consent to the Shannon being placed in a proper state. I have now occupied the time of the House, I am afraid, too long; but before sitting down I will, with its permission, mention an incident which occurred to myself while travelling along the Shannon some years ago, when I was making an inspection of that river, with a view to ascertain the causes of the desolation which it spreads. I think it was in the county Tipperary that I met a most respectable looking man on the river's bank; he carried a gun on his shoulder, and seemed ready to shoot anything that came in his way—[*A laugh*]—of course, I mean in the way of game. He was a most intelligent man, and very kindly gave me a great deal of information regarding the floods and the river generally. After some conversation, and after he had ascertained the object I had in view, he exclaimed to me, "Ah, sir, if we had more gentlemen in the country like you there would be no shooting at all." To this observation, I replied, that I thought it would be a change for the better to have those dismal swamps, with which we were surrounded, occupied by cattle and thriving homesteads, instead of by snipe and wild fowl, but I re-assured him by saying, that even if the river was lowered there would always be some duck and snipe shooting. He rejoined, "That is not the sort of shooting I mean;" so I asked him what he did mean, "Landlord shooting, to be sure!" he replied. [*Laughter.*] Now, Sir, one may laugh at the man's innocent rejoinder; but I can assure the House, that whether there is anything in it or not, the adoption of such a policy as that advocated would tend much to produce contentment. It would be the means of conferring a great and lasting benefit on the country, as it would greatly develop its agricultural resources, and it would bring in its train prosperity and an increased revenue.

THE CHANCELLOR OF THE EXCHEQUER said, that the first portion of the Resolution of the hon. Member for Galway (Mr. Henry) traced the evils complained of to two sources—one the bad state of the navigation works, and the other the neglect of the recommendations of the Commissioners. It might be true that those recommendations had not been followed; but that was not a matter of importance in deciding the question. In 1836 two Commissioners were appointed to make inquiries, and they reported, among other things, in favour of the construction of weirs and sluices in certain places. An Act was passed to give effect to certain of the recommendations made, but it made no reference to the weirs and sluices. The Report had not therefore been neglected. It had been considered and a portion of it rejected. But it was said that the floods in the Shannon were attributable to the state of the navigation works. Those works were partly paid for by the baronies and the neighbourhood, and partly by the Government, and he could not admit that the floods were caused by them, or that they were otherwise than beneficent to the Shannon and the land adjoining. In the year 1862 the Government appointed Mr. Bateman, the highest authority on the subject, to make inquiry. That gentleman stated that it was anticipated that the works for the improvement of the navigation would relieve the land from floods, and that this anticipation had been realized was proved by the final Report of the Commissioners on the improvement of the Shannon. He also stated that the injuries complained of had not been aggravated by the works recommended by the Commissioners; but still the injury sustained was considerable, and the steps which had been taken rendered the preservation of the crops very precarious. That was true; but it did not appear that it was the result of the construction of the works, as had been urged. He (the Chancellor of the Exchequer) believed the navigation of the Shannon to be altogether a useless affair, and would be glad to do away with it, if it were not that it would cost too much in compensation. The real cause of the present state of the Shannon was its great length and sluggishness. Throughout its whole length of 140 miles it had only 143 feet fall, 97 feet of which was in the last 15 miles. For 125 miles it had only 46 feet fall, and for 23 miles it had scarcely any fall at all. Sluices would not mend the difficulty; nothing would remedy it but deepening and widening the bed of the river, but that would involve too large an expenditure. The Motion, taken altogether, seemed to charge the Government with having caused the whole of the evils complained of, and to call upon the Imperial Treasury for the funds necessary to correct them. He could not possibly attend to the Motion in that light; if he did so, it would be to the prejudice of works having more claim upon the consideration of the Government. He hoped, therefore, the hon. Member would not press his Motion to a division.

Mr. SYNAN said, the Government in the year 1870 undertook to expend £100,000 in completing the works on the Shannon, in accordance with the recommendations of the Commissioners, but the Bill containing the proposal was unfortunately rejected. He thought they were bound to adhere to that undertaking now, under the circumstances which had occurred. He asserted that one of the engineers sent by the Government to view the works had reported to the effect that they had injured the lands, and on that ground he claimed compensation from the Government.

Mr. NEVILLE-GRENVILLE said, the description of the banks of the Shannon exactly corresponded with what the people in some parts of Somersetshire had to contend against, except that the people living on the banks of the Shannon had benefited by the expenditure of large sums of money by the Government. He trusted the Government would be firm in their resistance of such demands as that contained in the Motion; compliance would only excite the jealousy of less favoured districts in England. He thought that if the Government would bring in a Bill to amend their own drainage Act, or pass a special Act to enable those districts to be properly drained, taking care, of course, to tax the lands benefited, a very material benefit would result.

Sir PATRICK O'BRIEN expressed his surprise that the right hon. Gentleman should have taken up a position to-night so different from what he occupied when he brought in a Bill on the subject. The contention of the Irish Members was that a contract was made with the Government for the execution of a perfect work; the people paid their share of the cost, £300,000, and yet the work was left incomplete. This was no begging petition on the part of the Irish Members. All they asked was that the Government should perform their part of the contract, so as to prevent the country from being flooded by their imperfect works.

Mr. W. ORMSBY GORE knew something of the river, as he lived within a few yards of its banks, and could bear testimony to the want of drainage, the amount of traffic, and what had been done upon it. It was lamentable to see the losses which frequently fell upon the unfortunate inhabitants in the neighbourhood of the river; losses which were increased by the erection of a fourth weir. Although that weir had been recommended to be removed, it was still standing, and materially stopped the outfall of the water.

Mr. O'CONOR referred to the difficulty of draining that part of the country, and said that drainage only spread the evil. He asked for some more explicit assurance of what the Government intended to do than had been given by the Chancellor of the Exchequer, and hoped the Government would be supported in the event of its bringing in a Bill.

Mr. BRADY said, he supported the Motion. £300,000 had been advanced for the purpose of drainage, and yet nothing had been done. He hoped the Government would take the matter into their consideration, with the view of providing a better remedy for the disastrous state of things that at present existed.

Colonel WILSON-PATTEN said, he did not believe it had been shown that the inundations were caused by the works which had been constructed; but he agreed that anything that would improve the navigation of the Shannon, and improve drainage also, would be of the utmost importance. He hoped that the Motion would not be pressed to a division, but that the matter would be left in the hands of the Government.

Colonel VANDELEUR said, he thought that there were works on the Shannon which should be completed, so that the drainage might be improved.

The Marquess of HARTINGTON said, this Resolution affirmed that the works on the Shannon caused the mischief complained of, that Government funds should be applied to remedy the mischief. It was simply this that the Chancellor of the Exchequer had declined to sanction. He denied that the Chancellor of the Exchequer had receded from the position he took up two years ago.

Amendment, by leave, *withdrawn.*

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—ARMY ESTIMATES.

Supply—*considered* in Committee.

(In the Committee.)

(1.) Motion made, and Question proposed,

"That a sum, not exceeding £85,000, be granted to Her Majesty (in addition to the sum of £853,500 already voted for the service of the year 1872-73), to defray the Charges which will come in course of payment during the year ending on the 31st day of March 1873, for the Establishment of, and Expenditure incurred by, the Army Purchase Commissioners, and for the purchase of the remaining Commissions of Gentlemen at Arms."

Lord ELCHO moved that the Committee report Progress on account of the lateness of the hour (1 o'clock).

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(*Lord Elcho,*)—put, and *negatived.*

Original Question put, and *agreed to.*

(2.) £841,900, Army Purchase Commission, &c.

House *resumed.*

Resolutions to be reported upon *Monday* next;

Committee to sit again upon *Monday* next.

House adjourned at half after One o'clock 'till Monday next.

HOUSE OF LORDS,

Monday, 10th March, 1873.

MINUTES.]—Public Bills—*First Reading*—Custody of Infants * (38).

Second Reading—Victoria Embankment (Somerset House) * (28).

Committee—Local Government Provisional Orders * (26).

Report—Intestates Widows and Children * (33-39).

Third Reading—Drainage and Improvement of Lands (Ireland) Provisional Orders * (25), and *passed.*

ARMY REGULATION ACT—ABOLITION OF PURCHASE.—QUESTION.

The Duke of RICHMOND rose to ask the Under Secretary of State for the War Department, Whether the military authorities are prepared to take into consideration the grievances of which certain officers of the Army complain in consequence of the abolition of purchase; and also, what steps are to be taken in order to bring the subject under the notice of the said authorities? His Grace said that before he put the Question he wished to make a few remarks in connection with the subject of his inquiry. That subject was one of the greatest importance, as he thought, to the whole of the country, and of vital importance to the officers whose case he wished to have considered. It would be idle to deny to their Lordships' House and the country that for some time considerable discontent had prevailed among a great number of the officers of the Army, in consequence of the abolition of purchase and the Act passed in the year 1871. He fancied that something like three-fourths of the officers now on home service had grievances to bring forward. They thought they were very much injured by the operation of the Act, and, as was seen not long ago, they had been prepared to bring their case before Parliament in the shape of Petitions to both Houses. Now, he desired to remind their Lordships, before touching upon that part of the case, that the abolition of purchase was not an act of the Legislature. The Legislature had refused to sanction an Act in which it was embodied, and purchase was abolished by Her Majesty in Council, in the exercise of the Prerogative of the Crown. Well, in consequence of what they felt to be grievances arising from that abolition, the officers to whom he alluded resolved on petitioning Parliament; and he must say he did not think there was anything unreasonable in any body of men combining to bring their case prominently before the public. But when the fact was brought under the notice of the illustrious Duke Commanding-in-Chief, His Royal Highness deprecated the movement, on the ground that it was subversive of good order and discipline in the Army. The moment that the disapprobation of His Royal Highness was intimated to the officers they took no further steps to approach Parliament. He was far from saying that the course adopted in the matter by the illustrious Duke was not the right one; because, fortunately, the Army of this country was the Queen's Army, and not the Army of Parliament; and therefore he concurred with His Royal Highness in thinking that the proper mode of proceeding was not to petition the Legislature. He believed the correct course was for an inquiry to be instituted through the medium of a Commission appointed by Her Majesty herself. Their Lordships would recollect that during the debates on the Army Bill, in 1871, Her Majesty's Ministers, as a strong argument in its favour, stated over and over again that the arrangement then proposed was satisfactory to the officers of the Army. Captain Vivian, who was at that time Financial Secretary to the War Department, and who had since been appointed a Member of the Commission for the Abolition of Purchase, when on one occasion speaking of the measure which was then under discussion, said—

> "Day by day he was more convinced than before that officers outside the House were not dissatisfied with the principles on which the Bill was based. . . . . From what he could learn, either by himself or through friends, he could assert that the officers were satisfied with the abolition of purchase on the principles which the Government had adopted in their Bill."—[3 *Hansard*, ccvi. 1547.]

Again, when Mr. Hardy proposed to refer the claims of the officers to a Special Commission, Mr. Cardwell said—

> "The principle of the Government Bill was not properly described as being one of compensation. It was rather a complete indemnity given to every class of officers for their fair pecuniary claims. The provisions of the Bill would, he hoped, be found to be so liberal that the House would at once be disposed to assent to them without the interposition of the delay which would be caused by referring it to a Select Committee."—[3 *Hansard*, ccv. 988.]

He need not quote similar passages to the same effect from the speeches made by the Members of the Government when the Bill was being discussed by Parliament. Those he had quoted, and the recollection of their Lordships would bear him out in the assertion that the Government represented that the officers were satisfied with the arrangement. Well, now that after the Act had been for some time in operation the officers were dissatisfied, surely it was not unreasonable to ask for a Royal Commission. The officers said that the indemnity was not complete; but Mr. Cardwell had declared that the Government intended that it should be. The right hon. Gentleman used these words—

> "The intention of the Bill is, and the result will be as far as lies in my power, that no officer shall be a sufferer by this Bill. I wish that the arrangement should be a full and complete indemnity, and nothing more."

Again, the right hon. Gentleman said—

> "It certainly was not intended by him to inflict any inconvenience or loss upon any officer to which he would not be subjected if the Bill did not pass.

He (the Duke of Richmond) prayed the attention of their Lordships to the words he had just quoted, because they were important words. In another speech the right hon. Gentleman regretted that it was not possible for the House of Commons to hear what the officers said; which remark showed that before the Bill passed the Government were willing to take the opinion of the officers who would be affected by it. The case he was bringing under the notice of their Lordships had no reference to any one particular class of officers. Certainly, the question was not one of injury done to monied officers, because the officers principally affected were the non-purchase officers under the old system, and more particularly officers who had risen from the ranks. In 1856, there was a Royal Commission to consider the case of officers in our India Service who had a guarantee; and, in reporting the Commission, made this statement—

> "It is obvious that a Parliamentary guarantee given under these circumstances, and referring to privileges and advantages as regards promotions and otherwise, and not to rights capable of being enforced in a Court of Justice, is to be

construed not merely according to the letter, but also according to the honour and good faith of any engagement, and according to what may reasonably be supposed to have been the meaning conveyed by it to those to whom it was addressed."

Though there was no Parliamentary guarantee in the case of the officers of the British Army who entered under the purchase system, there was an understanding with them, which the abolition of purchase suddenly put an end to; and he would now ask their Lordships to consider, with the aid of one or two illustrations which he would bring before them, without mentioning names, the injustice which the change had inflicted on the officers. He would first take the case of a lieutenant-colonel who had purchased his commission as ensign for £450, and had got all his other steps without purchase. At the end of, say, 20 years he had his rank of lieutenant-colonel, and if he sold out he could have obtained £4,500 under the old system. That was a provision for himself and his wife and children. He would take an officer who had only reached the rank of captain after 15 years' service at the time the Act passed. The compensation paid to him would be only £1,800; but if the abolition had not been carried out he would have attained his majority and lieutenant-colonelcy, and then his commission would have been worth £4,500, a sum which he could not obtain for his family in consequence of the change. On the faith that they could go on from step to step in that manner, and sell out when their commission became valuable, many hundreds of officers had entered the service. He might take another case—that of the junior major of an infantry regiment, who, in consequence of the reductions which were then made, was forced to retire on half-pay. He was reconciled to being unattached for some time because he knew that by the rules of the service he would come back at a future time, to sell if not to serve. In addition to the price of his commission, he would probably have received a bonus; but if he wished to retire now he could only sell his half-pay rank. He would give another illustration, which was the case of a gentleman who had risen from the ranks, and become lieutenant and adjutant in a dragoon regiment. He might have gone on step by step till he got the command of the regiment, and at the end of 20 years he might have sold his commission for £5,000 or £6,000. Now, he would only get the price of the rank which he held. Had this gentleman known that purchase would be abolished, it would have been better for him to have stopped regimental sergeant-major. But the officers whose case was the one of the greatest hardship were the officers who had been put on compulsory half-pay—the officers of the Cape Mounted Rifles, of the Ceylon Rifles, and of the West India Regiments. They had had reason to hope that numbers of them would get on full pay again. In a pecuniary sense their case was very hard. He thought he had shown that there was a case for inquiry, and, with the numerous precedents for the appointment of a Royal Commission, he did not think there could be much difficulty in the case. He could not imagine a tribunal better adapted for inquiry into the grievances alleged by the officers than such a Commission. He could not believe that in this free country, where every man, however humble or however poor, had a right to demand justice, it would be said that the officers of the Army were the only men who were not to have their grievances redressed or their complaints inquired into. He would conclude by asking his noble Friend, Whether the military authorities are prepared to take into consideration the grievances of which certain officers of the Army complain in consequence of the abolition of purchase; and, also, what steps are to be taken in order to bring the subject under the notice of the said authorities?

EARL DE LA WARR said, he was sorry to reduce this case to a level of comparison with that on which the noble Duke had placed it, but really the matter was simply one of account. The noble Duke seemed to forget that the abolition of purchase must be taken with its disadvantages as well as its advantages; but the noble Duke was so moved by the grievances of the officers whose case he advocated, that he took no account of the benefits they had derived and were deriving from the abolition of which they complained. Now, at starting, it ought to be borne in mind that in these days of progress the officers of the Army must be prepared to row in the same boat with other classes of the community; and no class of the community could get exactly what it wanted. Why? Because there was usually an inexorable difference between the views of those who had to give and those who wanted to take. There were some disadvantages in the non-purchase system; but, making one or two exceptions, the arrangements made on the abolition of purchase were of such a character that the officers of the British Army were treated with a liberality and fairness, with a reason and justice, which deprived them of all right to make the complaints they had put forward. On clear grounds of public policy it had become necessary to reconstruct our military system, and the great stronghold which stood in the way of that reconstruction was the purchase system. When it was resolved to do away with this, the Government and Parliament recognized the claims of the officers, not only for the regulation amounts paid for their commissions, but for the sums paid in excess of the regulation price—so that a great number of officers had obtained money to which they had no right according to the regulations of the service. They, at least, had nothing to complain of. Those who had purchased at the regulation price were not so fortunate. The object of the scheme of abolition was to affect the maximum of benefit, and do the minimum of injury, and he was convinced that the guardians of the public purse in the other House of Parliament would never for one moment listen to the claims now put forward through the noble Duke. The money paid for steps in the Army was so much money put out at investment: the gentlemen who had paid it would receive back their actual investments; but they could not be listened to when asking for compensation, because it had been determined by the country that there should be no more investments in that way. They must find some other sources for the investment of their money. Officers who wished to remain in the Army as a profession, must bear in mind the very great advantage that abolition of purchase was to them. It would no longer be in the power of officers who had money to play leap-frog over the heads of officers who were without it. What did Sir Henry Havelock say on the subject? That he had been passed over three times by men who had money because he had none; and that of the three who had passed over his head two were fools, and the other was a drunkard. So deeply did that distinguished man feel the grievance inflicted upon him by the purchase system, that he said he would not have remained in the service if he had the means of living out of it. There were many officers who received much more than they had ever paid. He would now point to a defect in the new system. He thought the powers of the Commissioners for the Abolition of Purchase ought to be enlarged, so as to enable them to include among those entitled to compensation officers who ought never to have been excluded—for instance, old officers who at the time of the reduction were placed on the half-pay list without any desire of their own. They had lost an opportunity, and he thought they ought to be compensated for the loss; but if that one inequality were redressed, he would say that a large measure of substantial justice had been and would be meted out to the officers of the British service under the arrangements of 1871.

THE DUKE OF SOMERSET said, that having served as Chairman of a Commission which considered the subject of Abolition of Purchase, he felt more than a common interest in the discussion. He desired to state that he went into that Commission in favour of the purchase system; but during the progress of the proceedings of the Commission, and from the evidence that he heard given, he came to the opposite conclusion, and arrived at the conviction that it was desirable to abolish that system. It was felt by himself and other members of the Commission that there would be great difficulty in providing a scheme which would do justice to all parties; and accordingly he had watched the measure of 1871 with the closest interest. Having done so, he must say there were two points on which he was dissatisfied. He did not think Parliament had done justice to the Army, and, on the other hand, he did not think it had done justice to the public. The evils to which he referred would arise from the slowness of promotion. The promotion in the Army would be so slow that they would have to meet it hereafter by the adoption of some further measure. With reference to the question brought before the House by the noble Duke (the Duke of Richmond) he thought there was a case for further inquiry. He agreed that the officers should not petition Parliament in the matter—it was a mistake for officers of the Army or officers of the Navy to appeal to Parliament; but for that very reason, if it was felt there was a grievance, there ought to be an inquiry. He would not go into any grievances, because he knew that those technical details were difficult of explanation, and he was not competent for the task; but they ought to be inquired into by some competent authority. The noble Earl who had just spoken (Earl De La Warr) said there was a balance of advantages and disadvantages; but surely it was the intention of Parliament in 1871 that what was just and fair should be done in respect of the officers. If the intention of Parliament had not been carried out, surely it was its duty to do now what it intended to do in 1871.

Lord VIVIAN said, that no doubt the noble Earl (Earl De La Warr) had put forward the best plea he could for the Abolition Commission, of which he was a member, but he had heard no argument from the noble Earl. He thought that an inquiry by Royal Commission was the proper course of procedure, because he did not approve Petitions to Parliament from officers of the Army; but it was at the same time necessary that Parliament should have a knowledge of any grievance that really existed, in order that they might apply the remedy. For himself, he believed that a grave injustice had been done, and thought there should be inquiry by an independent authority. The noble Earl had told them that the officers of the Army were in the same boat with the other classes of the community. For himself, he should not like to be in any boat of which the War Office had the steering.

Lord ABINGER said, he hoped the noble Duke (the Duke of Richmond) would be more successful in his Motion than he himself was last year when he made a somewhat similar attempt. He was surprised that after his many years in the service the noble Earl (Earl De La Warr) was not better acquainted with the feelings of the officers; but the noble Earl did not seem to be much better acquainted with the feelings of the House of Commons, or he would have remembered that on the question of paying the officers money down, the Government majority was reduced to 16. With reference to the petitions which officers had intended to send to Parliament, he would beg to point out that there had been nothing at all like "combination," and in that respect he thought the noble Duke might be misunderstood. He was entirely against the signing by officers of Petitions addressed to Parliament, because he regarded the practice as a dangerous one, and as opposed to one of the very first principles of military discipline; but he could assure their Lordships that Colonel Anson had been exceedingly careful that there should be nothing like even the appearance of combination. The hon. and gallant colonel did not send any forms of Petitions to the Guards, the Cavalry, or colonels of regiments. The Petitions were the individual Petitions of subalterns. When the signing of those Petitions was stopped no fewer than 1,600 had been already signed, which showed that there must be much dissatisfaction in the Army. There was no great difficulty in stating what the question was between the Government and the officers. In his opinion the proposition put forward by the Government was not fair to the officers, for it would subject them to an amount of loss exactly equivalent to what the Government would pocket by death-vacancies. Even to what were called the "fortunate men," it was not fair, because it left them in a very much less favourable position than that which they would have occupied if purchase had not been abolished. Besides this pecuniary loss, the senior officers would have a right to complain that those serving under them were in a better position than themselves. When first the question of the abolition of purchase was under discussion in that House, he had made a proposition which he believed was a very fair one, and would give general satisfaction. It was that the Government should give the officers the option — say within six months—of receiving their regulation money down, or, on quitting the service, receiving the whole of the regulation and over-regulation money. The demands of the officers and the justice of the case might thus be met.

The Marquess of LANSDOWNE said, he wished, before he proceeded to give the noble Duke opposite (the Duke of Richmond) specific answers to the

Questions which he had put on the Paper, to make a few remarks on the arguments by which those Questions had been prefaced. He was anxious at the outset to guard himself, he might add, against being supposed to pronounce any anticipatory opinion with respect to cases which had not yet been brought officially under the notice of the War Department; but he must, on the other hand, be permitted to observe that the noble Duke had made a somewhat *ex parte* statement with reference to the grievances to which he had drawn their Lordships' attention. He concurred with the noble Earl behind him (Earl De La Warr) in thinking that no statement could be looked upon as a fair one which did not contain both a debtor and creditor side of the account. He had hoped that the case against him would be limited to the non-purchase officers, and he was glad to notice that one time-honoured argument was omitted, at all events, by the noble Duke; that argument had, however, been revived by a subsequent speaker, who alleged that the purchase officers having paid for their commissions and their earlier steps considerable sums of money, were now practically doing the same duties and serving at a less rate of pay than their brother officers who had laid out no money at all. It should, however, be borne in mind that before the abolition of purchase those gallant officers had served under precisely similar disadvantages. The Government had not made their case worse; while if the House would look for a moment to the other side of the account, these officers gained very considerably. They now risked a much less sum than that with which, like a mill-stone round their necks, they formerly went into action, and, besides this, they secured their further promotion without further payment. They were, therefore, not losers, but gainers by the way in which they were affected by recent changes. Passing from those to the case of the non-purchase officers, there were, it appeared to him, some important considerations which the noble Duke opposite had overlooked. The noble Duke opposite said that many of those officers, on entering the Army, had paid for their first commissions with the reasonable hope of serving on until they had reached a grade when they would be able to sell out for a good sum, and thus make provision for their families. The result of the changes made, the noble Duke went on to argue, would be to limit a captain in November, 1871, to receive £1,800, instead of a larger sum, and for the officer in his opinion so aggrieved the noble Duke demanded that compensation in some shape should be given. The noble Duke was, however, entirely in error in supposing that a captain so situated would necessarily be limited to the receipt of £1,800; and further, he would rise in his profession with a facility which had not previously existed, and he would be able at the proper time to commute the higher grade of half-pay to which he became entitled. In many cases, that commuted half-pay, taking into account the accompanying circumstances, would make the officer's position by no means so disadvantageous as the noble Duke seemed to apprehend. He would now pass from the merits of the case to the possibility of compensating officers in the position mentioned by the noble Duke. How did the noble Duke, he would ask, propose to distinguish in that respect between the case of purchase and non-purchase officers? It was out of the question to say that A or B belonged to the one class and not to the other, and that therefore his next step would, under any circumstances, have come to him gratuitously. Purchase and non-purchase officers could not be thus distinguished. There were officers who purchased their earlier steps, and obtained the later ones without payment; there were others, again, who began as non-purchase officers, and eventually purchased a step of promotion later in their military career. If, then, any attempt was made to distinguish between the case of an officer aggrieved, as alleged, and others who ought not to be considered as aggrieved, it must, as it seemed to him, result in creating inextricable confusion. The noble Duke went on to refer to the position of half-pay officers. He said there were a certain number of officers, some of whom had been placed on half-pay owing to no fault of their own, and in consequence of the reduction of the Army, who might before the recent changes were made have expected to be brought back without payment by His Royal Highness the Commander-in-Chief, and to have sold out when so brought back, and obtained their over-regulation money. He must, however, remind the noble Duke that it was a very rare thing for an officer situated as he had described to be brought back except after a money payment. His Royal Highness would correct him if he was wrong, but he believed that the only instance in which such a thing occurred was when there was what was known as "a clear vacancy," or when it became necessary to bring in an officer for some particular purpose, or, again, in the event of an augmentation of the Army. The chance, therefore, of being brought back was so minute that the grievance complained of was not a substantial one. The grievance, moreover, was one which existed long before the abolition of purchase, and had been caused by reductions in the Army, which placed these officers in a position of forced inactivity. He should like, however, to show the House how officers on half-pay had by recent changes been affected greatly to their advantage. Since November, 1871, one lieutenant-colonel had been brought back to full pay, who, had not purchase been abolished, would have been obliged to pay for his restoration. Seven majors also had been brought back; three of whom would have had to pay; 10 captains, seven of whom would have had to pay; and 24 lieutenants, 11 of whom would have found themselves in a similar position. He wished, in addition, to point out another alleviation of the half-pay list arising from the fact that 59 half-pay colonels had been provided for in consequence of the establishment of the brigade centres scattered throughout the country; while the whole of the half-pay lieutenants eligible for employment had been brought back. The recent changes had, therefore, operated distinctly to the advantage of that very class of officers who, in the opinion of the noble Duke, had been treated so unjustly. As to another complaint which had been made, that relating to exchanges between officers, he could not see how, after money payments had been abolished, it would be possible to permit a continuation of pecuniary arrangements of this kind, except so far as they came within the limitations imposed by the War Department with the concurrence of His Royal Highness. Turning to another aspect of the question, the noble Duke behind him (the Duke of Somerset) spoke of a double injustice, one to the officers and the other to the public, contending that, in spite of what had been done to secure the flow of promotion, something like a dead-lock would be produced. The time for considering how to remedy a dead-lock would be when that dead-lock had arisen. It had been argued in the public prints that there was such a dead-lock at this moment because the age of the captains lately promoted to the rank of major was very much above the normal standard. That fact was, however, easily explained, because the captains in question were officers whose length of service had necessarily been very great, and who, finding the obstacles that were formerly in their way removed, were now rapidly obtaining the promotion from which they were so long debarred. The remedy proposed by the noble and gallant Lord opposite (Lord Abinger) involved the immediate re-payment of a part of the purchase money of the officers. He (the Marquis of Lansdowne) could not understand how such a proposal could be adopted. Under the purchase system an officer was entitled to realize the value of his commission in a certain event, and in a certain event only; but the noble and gallant Lord proposed that although that event did not occur, the officer ought to be paid the money nevertheless. That seemed a very strange proceeding, and was an arrangement to which those who had to find the money would no doubt strongly object. The noble Duke behind him (the Duke of Somerset) suggested that the War Department should use for some such purpose the money which Parliament had voted; but there was a great fallacy in saying that Parliament had voted those £8,000,000. Parliament had voted nothing of the kind. When purchase was abolished the Secretary of State told the House what the anticipated cost of the arrangement might be. That was an estimate, and an outside estimate; but there was a wide difference between an actual and the estimated sum; and if, because their estimate had been so many millions, they were to pay that or any large amount down on the nail, they would be exceeding the powers given them at the time. With regard to the question whether the Military Authorities were prepared to take into consideration the grievances of which certain officers of the Army complained in consequence of the abolition of purchase, he (the Marquis of Lansdowne) answered that the Military Authorities were prepared to take that subject into their consideration. It was not for him to dwell on the course which had been adopted by His Royal Highness the Commander-in-Chief, on the one hand, and the officers of the Army on the other; but he was sure their Lordships would agree with him that that course adopted deserved nothing but approval. His Royal Highness had been in communication with certain gallant officers who were closely identified with the cause which the noble Duke had advocated; and he would now read to their Lordships an extract from a Memorandum on the subject, which had been drawn up with the concurrence of His Royal Highness for the information of Sir Percy Herbert. The Memorandum said—

> "The course to be pursued by officers who may at any time consider themselves in any manner professionally aggrieved is to forward their representations, with a respectful request for an impartial inquiry, through their commanding officers. In the present special case, in which numerous officers have, in deference to the expressed opinion of His Royal Highness the Field-Marshal Commanding-in-Chief, abstained from forwarding petitions for presentation to the House of Parliament, the Adjutant-General is directed to state, for the information of Major-General Sir Percy Herbert and all officers concerned, that the course to be pursued is to submit their individual statements to their commanding officers, to be forwarded through the General Officers commanding districts, to the Military Secretary, for his Royal Highness's consideration. A general statement, embodying the particulars complained of under different heads, would facilitate the fair investigation of each class."

Those grievances, then, being about to be brought under the consideration of His Royal Highness the Commander-in-Chief, he would not now dwell any further upon them, and would only conclude by pointing out to the noble Duke and the noble Lord behind him that, until that legitimate channel had been resorted to, and the official inquiry referred to in the Memorandum terminated, it would be premature at least to say anything about a Royal Commission. The opinion of the Department was that the provisions of the Army Regulation Act were, on the whole, extremely beneficial to the officers in a pecuniary point of view. In some cases there might possibly be a slight loss to them; but generally speaking, they would derive a distinct gain. As to individual cases of alleged grievance, they would be inquired into, and that inquiry would, he was convinced, be conducted in a generous and honourable spirit.

THE DUKE OF CAMBRIDGE wished to make a few remarks because this question had arisen from the fact that, in his capacity of Commander-in-Chief, he had expressed a very strong opinion that it would be highly indecorous for the officers of the Army to petition Parliament—an opinion which he was happy to find met with the approval of both sides of that House. It was right that he should clearly point out the course which it was open to the officers of the Army to adopt in making known any grievances which they might feel. He, for one, as representing the Army, should most strongly object to the supposition that its officers were debarred from the common privilege enjoyed by every one of Her Majesty's subjects of making a statement of their grievances. There was no question about that; the only question was as to the form and mode in which the statement should be made. The Crown was the authority under which the Army served; and the Commander-in-Chief was the authority under the Crown, at the head of the Army, to which the officers had a right, and a proper right, to make a statement of any of their grievances. If the Commander-in-Chief thought there was a case for consideration, it would become his duty to go with it to the Secretary of State as the representative of the Government. If, on the other hand, the Commander-in-Chief was of opinion that there was no case, he had a perfect right to reject the petition altogether. To say, then, that officers of the Army had no power to bring their case forward because they could not petition Parliament was to convey an altogether erroneous impression; and he was extremely anxious to take that occasion of explaining that the fact was not so. He might state shortly what was the course which the officers ought to have followed. Within the last few days a communication had been made to him—as stated by his noble Friend (the Marquess of Lansdowne)—on the part of a Member of Parliament, asking what course the officers would be justified in adopting without the infringement of any regulation or any breach of those sound views of discipline which ought to be maintained. That course was a very simple one. They were allowed to make their statement to their commanding officer. Then the commanding officer was bound to forward the statement to the General Officer of the district, who, in turn, sent it to the Commander-in-Chief. As it was understood that a very large number of officers conceived themselves to be affected, and must be affected, upon the several heads under which they complained, he had authorized them to make a general statement, and he was prepared to accept that statement as a matter of convenience under special heads, by which it might be known under each head how many officers were affected in the different classes. That was the legitimate course which officers were permitted to take whenever it was necessary to do so. It would never have done for him, or for any authority in his position, even if he had known that there were complaints, to have invited those complaints. Take the case of the Line officers who felt aggrieved by the increase of rank given to the officers of the Artillery and Engineers. What happened? They had petitions from individual officers in regard to their supersession. It had been his duty to lay all those statements before the Secretary of State; and although he was not in a position to say what might be the result of those representations, he had no reason to suppose for a moment that the Secretary of State was not quite willing to look into every individual case, and, if a grievance were made out, to deal with it as frankly and fairly as the circumstances might require. That was the course which had never been objected to. He did not desire to encourage grievances; but when great changes were carried out no doubt difficulties might arise in special cases, and it was quite right that they should be brought to public notice and removed as far as possible. He felt that he was the last person in that House who should give any opinion on any of the questions of policy which had been mooted that night. It would ill become him in his official capacity to say a word *pro* or *con.* on a matter not yet officially before him, although he was necessarily aware that much might be said on various bearings of the case. His silence would, therefore, be understood as involving no want of respect to their Lordships, but as being attributable to his duty to hold himself aloof until these cases were brought before him, so that he could then go into them without having previously committed himself in any way. He hoped to be permitted to say that a contented Army was a most essential thing, and he trusted, therefore, that whatever was done would tend to put an end to those constant complaints and annoyances, which did not conduce either to good discipline or to the good feeling which ought to prevail in the Army.

THE DUKE OF RICHMOND said, he did not wish to reply to the statement of the noble Marquess (the Marquess of Lansdowne), though he disagreed from nearly everything he had said. He regretted that the Government had not thought fit to appoint a Royal Commission. The illustrious Duke the Commander-in-Chief would forgive him for saying that he had not quite explained the mode in which the decision of the Government was to be promulgated to the Army. He presumed that the view of His Royal Highness, when fault was found with the officers for proposing to petition Parliament, was communicated to the Army by some General Order, addressed to the Generals commanding districts, and through them to officers commanding regiments, so that every officer would have it before him and would know the course to be pursued. He would suggest to His Royal Highness, considering the discontent which undoubtedly prevailed among the officers, that it would be a satisfactory mode of letting them know that their complaints would be inquired into if he would intimate through a General Order that such was the case.

THE DUKE OF CAMBRIDGE replied that the objection to such a course was that the Regulations of the Army clearly indicated how the thing ought to be done. It would be absurd, therefore, to issue a General Order. His opinion as regarded petitioning Parliament was communicated, not by a General Order, but by a Circular to general officers commanding districts, stating what his opinion was, and that he considered it was their duty to see it was carried out.

ARMY—RECRUITS—NUMBERS AND QUALITY.—MOTION FOR RETURNS.

Moved that an humble Address be presented to Her Majesty for, Return of Age and Chest Measurement of Recruits enlisted in the Regiment between 31st July 1870 and 31st December 1872:

Total number of Recruits . . .
Under chest measurement . . .
Under 33 inches . . . . .
34 inches and under . . . .
Average . . . . .
Age.
Number 18 years and under . .
" 19 " " . .
" 20 " " . .
Average age . . . . .

The above Return to apply only to Home Service.—(*The Duke of Richmond.*)

THE MARQUESS OF LANSDOWNE hoped the noble Duke would not press for the Return. Though not impossible, it would be difficult to procure it, and great delay and research would be requisite. He understood it to refer to each regiment?

THE DUKE OF RICHMOND said, it was so.

THE MARQUESS OF LANSDOWNE: said, it had been suggested that if the noble Duke wanted information it might be procured from the London recruiting district, which supplied recruits indiscriminately to all regiments, except those on foreign service, and which would, therefore, give a fair idea of recruits generally.

THE DUKE OF RICHMOND remarked that the Inspector General of Recruiting issued a Report, in which he necessarily gave figures and facts *en masse*, drawing his own conclusions from the statements before him. He was himself anxious to draw his own conclusions from the same materials, for he believed that the class of recruits obtained of late was not satisfactory. He did not want to include regiments on foreign service, and the orderly book of every regiment would supply the Return in a very short time. The information must be in the possession of the Recruiting Department. The London district Returns would not give a true notion of recruiting throughout the kingdom. He would almost venture to appeal to the illustrious Duke the Commander-in-Chief whether the Return was one difficult to obtain, and whether there was any objection in a military point of view to the information being laid before the House?

THE MARQUESS OF LANSDOWNE said, he would offer no further objection after what the noble Duke had said; but he must warn him that the Return, though limited to regiments on home service, would be voluminous, and that some little time might elapse before it was furnished.

Motion *agreed to.*

House adjourned at Seven o'clock,
till To-morrow, half-past
Ten o'clock.

HOUSE OF COMMONS,

Monday, 10th March, 1873.

MINUTES.]—NEW MEMBER SWORN—Egerton Leigh, esquire, *for* Mid Cheshire.

SELECT COMMITTEE—Public Departments (Purchases, &c.), *appointed* and *nominated.*

SUPPLY—*considered in Committee*—*Resolutions* [March 7] *reported.*

PUBLIC BILLS—*Second Reading*—University Education (Ireland) [55], *adjourned debate resumed and further adjourned;* Turks and Caicos Islands* [87].

Committee—*Report*—Drainage and Improvement of Lands (Ireland) Provisional Orders (No. 2)* [82].

Third Reading—Marriages (Ireland)* [68], and *passed.*

CHINA—TREATY OF TIEN-TSIN.

QUESTION.

MR. AKROYD asked the Under Secretary of State for Foreign Affairs, If he can explain why the ports of Kienchow on Hainan, west coast of China, and Nanking, on the Yangtze Kiang, have not been formally opened by a Consul to British trade, according to the Treaty of Tientsin; and, when it is intended so to open them?

VISCOUNT ENFIELD: Sir, the British Treaty of Tientsin contained no provision for opening Nanking to foreign trade. Under the French Treaty we obtained this right by the most-favoured-nation Clause; but Mr. Wade reported in 1868, when the revision of the Treaty was under discussion, that Nanking "was hardly in a condition to assert itself as a port of trade," and I believe the question has not since been raised. With regard to Kienchow, on the Island of Hainan, up to last year the prospects of trade there were so uncertain that the expenses of establishing a Consulate was avoided; but an interpreter, with the rank of Vice Consul, has been sent from Canton during the last 12 months to look after British interests, and in all probability further arrangements will be made when the requirements of the port in question have been more definitely ascertained.

IRELAND — REPRODUCTIVE LOAN FUND.—QUESTION.

Mr. H. A. HERBERT asked the Chief Secretary for Ireland, Whether the Reproductive Loan Fund was intended for the benefit of eight maritime and four inland counties of Ireland only; and, if so, whether he has any objection to name to the House which these counties are and whether he proposes, in the present Session, to bring in a measure to extend the Fund to other counties not contemplated in the original grant?

The Marquess of HARTINGTON said, in reply, that he did not think it would be expedient to extend the benefit of this Fund to counties not named in the Act relating thereto.

THEATRE REGULATION ACT — "THE HAPPY LAND."—QUESTION.

Sir LAWRENCE PALK (who had give Notice of his intention to ask the Secretary of State for the Home Department a Question as to the stopping of the performance of *The Happy Land*) said: The Answer that has been already given to the Question of which I gave Notice is sufficient, and therefore I will not put the right hon. Gentleman to the trouble of answering the Question; but I hold in my hand a letter from the manager of the theatre, which, with the permission of the House, I should like to read. ["Order!" "Chair!"]

Mr. SPEAKER said, the hon. Gentleman was entitled to put the Question of which he had given Notice, but he was not entitled to debate the Question.

Sir LAWRENCE PALK: Then, Sir, I will put the Question of which I have given Notice. I wish to ask the Secretary of State for the Home Department, If he would state to the House for what reason, and on what grounds, a detective policeman, or a letter to the manager, was sent to the Court Theatre on Thursday March 6th forbidding, by order of the Lord Chamberlain, the performance of an amusing burlesque entitled "The Happy Land?"

Mr. BRUCE: I will be happy to answer the Question of the hon. Baronet. The power of the Lord Chamberlain to forbid the acting of any stage play or any part thereof, when he thinks that it is fitting so to do for the preservation of good manners, decorum, or the public peace, is derived from the 6 & 7 *Vict.* c. 68, s. 14, called an Act for Regulating Theatres. In the present case a manuscript play had been sanctioned by the Lord Chamberlain on the 8th of February, and was produced at the Court Theatre as a play which had received his licence. On the 4th of March his Lordship discovered that the play which was being acted was largely different from that which he had licensed. He sent for and obtained a prompter's copy, and ascertained that it contained 18 quarto pages of additions and interpolations, these consisting principally of personalities which, had they existed in the original manuscript, would have prevented him from giving his licence. He, therefore, on the 6th of March, informed the manager that the licence was cancelled. It has been the invariable practice in the Lord Chamberlain's Department, under all Governments alike, to forbid personalities, against whomsoever directed, if his Lordship's attention is called to them. With respect to the intervention of the Police, I am responsible for that. The Lord Chamberlain having informed me that the licence had been cancelled, I directed the Chief Commissioner of Police to send the manager notice that the continued acting of the play after the licence had been cancelled would be a misdemeanour punishable by a fine of £50.

POST OFFICE—REGISTERED LETTERS.—QUESTION.

Mr. TORR asked the Postmaster General, If his attention has been called to a statement in the public prints as to the loss of a registered letter containing Erie Shares of the value of £2,500, which letter is reported to have been left, with the form of receipt, in the letter-box of Mr. Charles Potter, Liverpool, the party to whom the letter was addressed, before the office was opened in the morning; and, whether it is the custom of the Post Office letter-carriers to leave registered letters without getting a receipt for the same?

MR. MONSELL: Sir, the attention of the Postmaster General has been called to the loss of a registered letter, containing Erie Shares of considerable value, addressed to Mr. Charles Potter, at Liverpool, and the matter is being investigated by the Post Office and Police authorities in Liverpool. It is not the custom of Post Office letter-carriers to leave registered letters without getting a receipt at the time, except on the written sanction of such firms as desire this course to be pursued. There are about 150 firms in England who prefer running the risk, which must exist when no receipt is given, to waiting for a later delivery. In the particular case in question, there was no written sanction, but there was a clear understanding between the letter-carrier and Mr. Potter's clerks.

THE GENEVA AWARD.
THE ARBITRATORS.—QUESTION.

MR. CAVENDISH BENTINCK asked the First Lord of the Treasury, Whether there is any foundation for a prevalent rumour that it is the intention of Her Majesty's Government to present to each of the Arbitrators in the late Geneva Award a recognition of their respective services by a testimonial to be charged to the public account?

MR. GLADSTONE: In replying, Sir, to the hon. Member, I have to state that it is the intention of Her Majesty's Government, so far as the Swiss, Brazilian, and Italian Arbitrators are concerned, to propose to Parliament to vote sums of money for this purpose. I may just state a summary of what took place. While the Arbitration was still, in point of form, in progress, the United States Government proposed that at the conclusion of the Arbitration each of the two Governments should present to each of these three Arbitrators sums of money. Her Majesty's Government were of opinion—first of all, that nothing should be done until the Arbitration was concluded; and, secondly, that in lieu of offering a sum of money, it would be better to follow, as far as possible, precedent in such cases, according to which it has been the custom to offer some article of value in which the money is invested. So much took place at the time; and the United States Government quite entered into our view with respect to the time of making the proposal. When the matter was resumed some correspondence took place, and it was agreed upon that the two Governments should give a present in the shape of a piece of plate to each of the Arbitrators. The American Government proposed that the gift from each of the Governments should be a separate gift. The British Government thereupon proposed that there should be a joint gift from the two Governments, each contributing in equal proportions. The American Government were quite willing to accede to that proposal; but they found that the discussion of the matter had been anticipated, and that an order had been given in America for plate to be presented. The consequence was that the American Government presented plate to these three Arbitrators. It is the intention of the British Government to pursue the usual course in cases of this sort. I think the proposal of the Government will be that about £1,200 should be given to each of these three Arbitrators.

ARMY REGULATION BILL—HALF-PAY OFFICERS.—QUESTION.

SIR GEORGE JENKINSON asked the Secretary of State for War, If it is the settled intention of the Government to continue to deprive Officers who were, by no fault or wish of their own, on half-pay on the 1st of November 1871, of any over-regulation price of their commissions, which they would have been able to obtain, on selling out now or at any future time, if the Army Regulation Bill had not passed, such Officers having been placed on half-pay by the reduction of their corps prior to the passing of the Act, and having been kept on half-pay compulsorily until after the date named, and having in addition suffered loss by such reduction and by being so compulsorily placed and kept on half-pay?

MR. CARDWELL: Sir, my engagement was that every officer should be fully indemnified in respect of the commission he then held. The Act gives compensation only for the commissions which the officers held on the day on which purchase was abolished. Under the purchase system the officers in question would, as a general rule, have paid money on being brought back to full pay, and few facilities occurred for bringing them back otherwise; while, since the Act, increased facilities have been afforded for their return, and that without payment.

UNITED STATES—BRITISH VESSELS IN AMERICAN WATERS.

QUESTION.

Mr. C. DALRYMPLE asked the President of the Board of Trade, with reference to a Correspondence which took place between the Board of Trade and Mr. John Burns in May 1871 (Parliamentary Paper, No. 236, of Session 1871), and with reference further to an extensively signed shipowners' memorial presented to him in May 1872, both being on the subject of the liability of British ships in American Waters, Whether the Government has yet taken any steps, and if so what steps, towards getting British vessels in American waters put on the same footing in regard to liability as Foreign ships in British waters?

Mr. CHICHESTER FORTESCUE, in reply, said the Government had had the subject under their consideration, and were at this moment in correspondence with the United States Government upon it. That correspondence had not yet come to a conclusion.

DISAPPEARANCE OF MR SELBY.

QUESTION.

Mr. W. M. TORRENS asked, Whether any steps had been taken by the Foreign Office to ascertain the fate of Mr. Selby, an English gentleman, who had mysteriously disappeared from the Hotel Petersburg in Paris on a day in January last, and who had not since been heard of? A Mr. St. George had seen Mr. Selby in the morning before he disappeared.

Viscount ENFIELD said, he had no information; but he would write to Lord Lyons on the subject.

UNIVERSITY EDUCATION (IRELAND) BILL.—QUESTION.

Mr. P. J. SMYTH asked the hon. Member for King's Lynn, Whether it is his intention to go to a Division on his Amendment to the second reading of this Bill?

Mr. BOURKE, in reply, said, although the question was an unusual one, he should be happy to answer it if it were in his power to do so. He felt he should be wanting in respect to the House if he were now to assume any control over the Amendment which he had placed a week ago in the hands of the Speaker. It was now the property of the House, and it was for the House to deal with it as it seemed fit. At the same time, if the House should be generally of opinion that it would be desirable for him to indicate what he thought the best course, he should be happy to do so.

Mr. GLADSTONE said, it might be for the convenience of the House to know beforehand, as far as they could know, the probable course of the debate they were now about to resume. As far as he could obtain information about the number of Gentlemen who wished to address the House, it was improbable that the debate would conclude that evening. If then it should be adjourned again, it would be most convenient that the debate should be resumed to-morrow without any further interval of time. Such an arrangement, however, could only be effected by the consent of those private Members who had Notices on the Paper for to-morrow. The Government were willing to do what they could towards bringing the debate to a conclusion. He therefore proposed, in the event of those hon. Members consenting to postpone their Motions to-morrow, and with the hope that the debate would terminate on that night, that the Government would give up Thursday to them for the disposal of their business. He would therefore, in the first place, appeal to his hon. Friend the Member for London (Mr. Crawford), whose Notice stood first on the Paper, whether he was willing to concur in such an arrangement.

Mr. CRAWFORD said, he wished to conform to the convenience of the House; but as the 40 days under the Endowed Schools Act would expire in the case of Emmanuel Hospital on Monday it must be understood that he should be in no worse position if he gave way.

Mr. NEWDEGATE, who had another Notice on the Paper for Tuesday, was willing to concur with the hon. Gentleman in giving way, provided it were understood that the Notices of private Members standing for to-morrow should come on on the next Government day following that on which the Adjourned Debate was concluded.

MR. GLADSTONE said, he proposed, after the adjournment of the debate to-night, to move the transfer to Thursday of the Notices standing for to-morrow, giving them precedence of Government business. He quite concurred that his hon. Friend (Mr. Crawford) ought not, under the circumstances, to be damnified in the prosecution of his Motion by assenting to the arrangement.

MR. G. BENTINCK said, he had a Motion down for Tuesday, but would postpone it if the right hon. Gentleman gave the assurance asked for by the hon. Member for North Warwickshire.

MR. COGAN said, although he thought it very probable and desirable that the debate should come to a conclusion to-morrow night, nevertheless he hoped, considering that the question was one of vital interest to the people of Ireland, that nothing would be done which would have the effect of bringing the debate to a premature conclusion.

MR. GLADSTONE said, he hoped and believed the debate would terminate on Tuesday. At all events, the first thing was to postpone the Notices of private Members to Thursday; and he fully accepted the proposal of the hon. Member for North Warwickshire (Mr. Newdegate.)

MR. COLLINS said, he hoped the hon. Member for London (Mr. Crawford) would take care that his Motion was placed first on the Paper for Thursday.

MR. GLADSTONE then gave Notice that he would to-morrow, at half-past 4 o'clock, move that the Notices of Motion and Orders of the Day appointed for that day should be postponed to Thursday, and that they be taken into consideration before the Orders of the Day now standing on the Order Book for Thursday.

UNIVERSITY EDUCATION (IRELAND) BILL—[BILL 55,]

(*Mr. Gladstone, The Marquess of Hartington.*)

SECOND READING. ADJOURNED DEBATE.

[THIRD NIGHT.]

Order read, for resuming Adjourned Debate on Amendment proposed to Question [3rd March], "That the Bill be now read a second time;" and which Amendment was,

> To leave out from the word "That" to the end of the Question, in order to add the words "this House, while ready to assist Her Majesty's Government in passing a measure 'for the advancement of learning in Ireland,' regrets that Her Majesty's Government, previously to inviting the House to read this Bill a second time, have not felt it to be their duty to state to the House the names of the twenty-eight persons who it is proposed shall at first constitute the ordinary members of the Council," — (*Mr. Bourke,*)

—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

MR. VERNON HARCOURT said, that if this Bill were to be regarded as an experiment in governing Ireland according to Irish ideas, it could not be pronounced a success. It had produced in Ireland a unanimity of an Irish character—that of unanimity of discord—but he did not lay the blame of this characteristic result upon the Bill itself, for if the Bill had been a far better Bill than he considered it to be, he doubted if it would have been popular in Ireland. The experience of recent times had shown that any attempt to do equal justice to all classes of Her Majesty's subjects was never popular in Ireland, distracted as she was by distinctions of race, by difference of party, and by conflicting religions. Ireland had too long been accustomed to the principles of ascendancy and predominance to have acquired a taste for equal justice. Each party in Ireland seemed to be actuated by a desire to get everything it could for itself, and to allow as little as possible to other people. He was neither surprised nor dismayed that the result of measures which professed to have for their object justice towards all parties of the community should not be received with unanimity in Ireland; and if they were to govern Ireland according to Irish ideas, he feared they would find themselves reduced to the consequence of not governing Ireland at all. They were left, then, a deplorable option between anarchy, ascendancy, and priestcraft. He was not willing to adopt any one of those three courses. For himself, not being a "Home Ruler," he had never adopted the idea of governing Ireland according to Irish ideas. He had always regarded Ireland as a part of Her Majesty's dominions—as an integral fraction of a united Empire—and, if that be so, Ireland, like all other parts of the dominions of the Queen, must be governed, not according to Irish, but according to Imperial ideas. Imperial ideas were exactly opposite, so far as he could judge, to Irish ideas, for Imperial ideas prescribed the duty to administer equal justice to every class of Her Majesty's subjects. The House of Commons had not to consider whether a measure squared with Irish ideas or satisfied the demands of any section of the Irish people, but whether it was consistent with equal justice, and, having matured such a measure, it was their duty to offer it for acceptance by the Irish people, leaving to those who rejected it the responsibility of that refusal. He should not, therefore, examine the question with regard to the passions and prejudices of any particular class of the Irish people, but he would ask leave to discuss whether this or any other Bill that might be offered for the acceptance of the House of Commons fulfilled the requirements which belonged to the Imperial idea; and it was for that reason that he differed from the position assumed by the right hon. Member for Liskeard (Mr. Horsman). The right hon. Gentleman had told the House that a measure, having been recommended by the Queen from the Throne, submitted to Parliament by Her Majesty's responsible Advisers, and read a first time by the Commons, should have been withdrawn, not because it had been disapproved by Parliament—for Parliament had not yet pronounced upon it—but because it had been disapproved by the Irish Bishops. Was that the doctrine of an old Constitutional Whig with reference to the manner in which a great public measure should be dealt with? His right hon. Friend, who seemed to be the victim of youthful inexperience and unpremeditated impulse, and a gentleman who had been Chief Secretary for Ireland, went home after hearing the speech of the Prime Minister, actuated no doubt by an amiable credulity which led him to the conclusion that this was a measure calculated to please the Irish Prelates, and wrote a gushing letter to *The Times*, in which he spoke of the Bill as likely to become an ornament to the Statute Book. What could have led him to suppose that it was a measure intended, or likely to be agreeable to the views of the Irish Prelates? He (Mr. Harcourt) regarded it as a measure submitted by a responsible Government to the Grand Inquest of the nation, and that being so the judgment of Parliament must be pronounced upon it. Why did his right hon. Friend imagine that this was a measure that would please the Irish hierarchy, *Sic notus Ulixes?* Was this what he had learned in his Irish experience of the spirit, temper, and expectations of the Irish hierarchy? Why, on the very day on which he addressed the House on the subject, there appeared in *The Freeman's Journal* a document from the pen of the Roman Catholic Bishop of Meath, commenting upon an article in some journal which had contrasted the position of the Roman Catholics in Ireland with that of their brethren in Germany. Dr. Nulty wrote—

> "Our brethren in these countries have no reason to envy us our condition as Irishmen under British rule. They have not passed through ages of persecution, pillage, and plunder to be persecuted still for conscience sake under the pretext of civilizing and enlightening us. This spirit has pursued us implacably for centuries. We tried to propitiate it by the sacrifice of our property, our liberty, and our very lives, but it is still inexorable. Now, it demands the surrender of our conscience, our religion, and our hopes for the future, not by appealing to the dungeon, the gibbet, or the sword, which we despise, but to the most distinctly diabolical of all moral agencies—the silent, slow, but irresistible influences of a godless education."

The document after having exhausted every artifice of rhetoric calculated to inflame sectarian animosity, concluded with the episcopal benediction of peace upon all mankind! When such language could be employed by men in such positions was it not a delusion to hope the House of Commons could legislate in accordance with the wishes of the Roman Catholic Prelates? He was glad, therefore, to find no symptoms of any such attempt in the framework of this Bill. Having expressed his dissent from the main position assumed by his right hon. Friend, he cordially endorsed the distinction he drew between the views of the educated Roman Catholic laity of Ireland and the Roman Catholic hierarchy. The most instructive of all the speeches which had been made upon the Bill was that from the hon. Baronet the Member for the city of Galway (Sir Rowland Blennerhassett). In that speech the House he thought might feel that it heard a cry for help and defence from the independent and enlightened Roman Catholic laity of Ireland. That was the class whose interests the House should regard, the class whom, above all others, the House was bound to protect; and yet his right hon. Friend, who was anxious to defend the Roman Catholic laity against the Roman Catholic hierarchy, wished to defeat a Bill which the hon. Member for Galway was anxious to see passed, and appeared as the ally of the Bishops who had denounced it. Such a conclusion was consistent only in its inconsistency. The House had nothing to do with the Roman Catholic Bishops. They were not masters of the British House of Commons, nor was the House their servant. Let Parliament give to Ireland what in its opinion would be a fair and equitable measure, and let the Prelates of Ireland do and say what they pleased. The responsibility of their conduct rested with them, and not with the House. The only question before the House was whether the Bill was fair, or, if not, could it be made so? They were on the second reading of the Bill, and the forms of the House constituted the logic of Parliament. Upon the second reading the main question was what was the principle of the Bill? They had some grounds of complaint that Her Majesty's Government had not made it clear what they considered the principle of the Bill as distinguished from its details. Indeed, the principle of the Bill was buried in details, some important and some unimportant; but he would say boldly—and he asked the attention of his right hon. and learned Friend the Member for the University of Dublin (Dr. Ball) to this statement—that the principle of the Bill, and the only principle upon which he could or would support the second reading, was to affirm, consolidate, and extend the system of mixed and united education in Ireland. If that was not the principle of the Bill he would vote against the second reading; if it contained details inconsistent with that principle, or which could not be made consistent with it, he would vote against those details. In saying that he knew he was placing himself most distinctly at issue with the right hon. Member for Liskeard. His right hon. Friend (Mr. Horsman) said most distinctly that this was a Bill for the destruction of mixed education, and relied greatly on the authority of the Irish Prelates. He would quote a passage from the same document to which he had already referred, the Pastoral of the Bishop of Meath written last week with reference to this Bill. Whatever else hon. Members might think of the Pastorals of the Catholic Bishops, they knew very well what they were writing about; they thoroughly understood this Bill, what it did and what it did not. The Bishop of Meath, speaking of the right hon. Gentleman at the head of the Government, said—

> "He therefore reasserts the principles of mixed education, he re-establishes and re-endows, he multiplies the Colleges in which the education is specially given, and to infuse fresh life and vigour into their prematurely effete constitutions, he supplements with a new godless University, richly endowed and abundantly supplied with every requirement that elevates and popularizes the godless education imparted by all conjointly."

Now, those allegations were true though they appeared in a Pastoral. He entirely agreed in all those statements, and he cited them as a conclusive answer to the affirmation of his right hon. Friend. But he did not mean to leave the question on the authority of the Bishop of Meath. Let it be examined by the light of the Bill itself. The matter was somewhat complicated, and was not easily understood by gentlemen not acquainted with the workings of the academical system. He would examine separately what belonged to the College and what belonged to the University part of the matter. He would assume for the moment—a point to which he would presently recur—that Galway College was not to be extinguished, and if that were so as regarded the Queen's Colleges no change was made. Therefore, mixed education in those Colleges, at least, was not destroyed. What were they going to add to the mixed system? The great and famous foundation of Trinity College. Was that nothing? Why, it reduplicated the strength of the mixed system. By adding one of the most famous Universities in the world to the mixed system, they gave to it one of the most valuable elements of strength and power which could be possibly conferred. That very thing alone was the pith and marrow of the Bill of the hon. Member for Brighton, who had come to a conclusion at which he was surprised —namely, to vote againt the second reading of a Bill which, at all events, comprised the whole of his own. In some respects the Bill contained things which his hon. Friend and which he also disap.

proved. But then it did some things which his hon. Friend approved, but which his Bill did not do. It separated the theological Faculty from Trinity College, and made the system, more completely than his hon. Friend's Bill would make it, a system of mixed and combined education. And yet the right hon. Member for Liskeard affirmed that this was a Bill to destroy the principle of mixed education. It seemed to him there was not common sense or common justice in such a statement. He now passed from the Colleges to the University. Was it true that this Bill destroyed mixed education in the University system of Ireland? What was the present condition of University education there? You had the Queen's University, which was not an educating University at all —it was merely an Examining Board whose operations were limited to the students of the Queen's Colleges. Then you had the University of Dublin, which was not a University of mixed education at all; and this Bill proposed —not to destroy—but to take and amalgamate the Examining Board of the Queen's University and the Dublin University, and to convert them into a teaching University, endowed with Professorships, Fellowships, and all the apparatus of learning for the purpose—as the Bishop of Meath had said—to promote jointly with the Colleges in a manner more effective than at any former period, the system of combined and mixed education. Who had a right to complain of turning the Examining Board of the Queen's University into a teaching University? Nobody except the Chancellor of the Exchequer, who was the Philippe Egalité of academical literature, and went about the country denouncing "the arts by which he rose." But the Chancellor of the Exchequer was one of the joint promoters of the Bill, and why should they who approved a teaching University quarrel with the right hon. Gentleman for his timely repentance on this point? Such were the principles of the Bill; and the House—he would not say the Government—had some right to complain that the hon. Member for Brighton (Mr. Fawcett), in his powerful and eloquent speech the other night, altogether gave the go-by to those principles, and fastened exclusively upon details, in his objections to which he (Mr. Harcourt) entirely concurred. Now he could not vote against the second reading of a Bill containing those principles merely because they were proposed by Her Majesty's Government; and as long as he could keep the Bill alive which contained those principles, and saw any chance of its passing into law, he would never consent that they should part with the Bill whether they parted with the Government or not. For the Bill was the property of the House and whatever the Government might say or do the House could mould it as they pleased. And when he heard his hon. Friend the Member for Brighton denounce a measure which, whatever might be its faults, at least embodied all the principles for which he and his hon. Friend had so long contended, the lines of Milton came into his mind—

> "Thus spake the fervent angel, but his zeal
> None seconded, as out of season judged,
> And singular or rash."

It might be said it was all very well to speak of the general principles of the Bill, but the details might be so bad that it was not worth while to pass the Bill, because you could not distinguish between the details and the principle. But was that so or not? And here, again, he would distinguish between the Colleges and the University. First, with respect to the Colleges, he could not understand why Her Majesty's Government ever proposed to abolish the Queen's College, Galway. Some years ago the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) had an original theory on the subject of Ireland, to the effect that the evils of Ireland were due to a moist climate and a melancholy ocean. Well, Galway was the head-quarters of moisture, and it was washed all along its shores by a most melancholy ocean. Therefore, it had need of all the consolations of philosophy which Boethius or anybody else could afford. Why, then, extinguish the glimmering light of Galway? The observations of the Chancellor of the Exchequer the other night, depreciating the character of the Queen's Colleges in Ireland, were somewhat less than just, and certainly much less than generous; for, considering the adverse circumstances under which they had been maintained, these Colleges deserved sympathy and support. He never could understand the test which the right hon. Gentleman at the head of the Government applied to the College of Galway, when he excluded from his consideration the graduates in the professions of Medicine and Law. The right hon. Gentleman was answered conclusively by his hon. and learned Friend the Member for the University of Edinburgh (Dr. Lyon Playfair), who said there must be in a poor country a number of professional men who lived by their professional exertions. Perhaps Galway required a very large supply of medical men, and certainly with regard to law, that at any rate could not be said to be a superfluous article there. His right hon. Friend the President of the Board of Trade might as well propose to extinguish the lighthouses on the coast of Galway in order to please the Ultramontane wreckers of that country. Certainly the House would never consent to extinguish the light of Galway; but was it necessary to kill this Bill in order to save Galway College. Then, as to Trinity College, Dublin. He had the pride and the privilege to owe allegiance to another Trinity College — Trinity College, Cambridge. Many others in that House owed the same allegiance; and no Trinity man would be wanting in sympathy with their illustrious sister on the other side of the Channel. If he thought this Bill would do injustice to Trinity College, Dublin, he would vote against it. He regarded Trinity College, Dublin, as the intellectual eye of Ireland. It might be said of her—as Lord John Russell said of the aristocracy of this country—"that they were strong in ancient associations and in the memory of immortal services." Trinity College was strong now, and always would be. We who are members of another Trinity know something of the momentum which belongs to the mass of a great College moving with the accelerated velocity of accumulated fame. Trinity, Dublin, was and always would be the sun in the firmament of the education of Ireland. She would warm by her heat, illuminate by her light, and attract by her mass all the lesser orbs that circulated around her. Trinity College, Dublin, like Trinity College, Cambridge, would always be able to maintain a standard of her own. He had, therefore, no fear for Trinity College, Dublin. She was entitled to utter the proud boast of Italy—"*Italia fara da se.*" If he had any fear, it was rather for the poor Cinderella of St. Stephen's Green, which sat in dust and ashes, and saw her proud and prosperous sisters go forth in their fine clothes to banquets to which she was not invited. He did not, therefore, think that objections to the arrangements of this Bill could come with very good grace from Trinity College, Dublin. If, then, the collegiate details were not objectionable, what did they object to? The University question was much more complicated as to its details, and more difficult to understand. There was much he disagreed with in the plan of the Government. First, ought they to have, and continue to have, as they had now, two Universities in Ireland or but one? He confessed he entertained great doubts upon that question. There was much force in the argument of the Chancellor of the Exchequer, who with great ingenuity pointed out that Colleges were apt to overbid one another in raising the standard of education, but that Universities had a tendency to underbid one another in order to induce people to come to a poorer University, thereby cheapening knowledge, and degrading the standard of education; and after hearing that argument he felt disposed, for his own part, to accept the proposal to substitute one University for two. But if they thought it better they might keep Queen's University as it was and reconstruct Dublin University. Whatever else they did they must in some form or other re-construct the Dublin University. The subordination of the University to Trinity College could not be defended on any academic principle. The whole tendency of modern legislation on University reform had been to give more independence and more weight to the University, and less and less to the Colleges. If they were pretending to have a University Reform Bill in reference to Dublin—even if there were no question of Catholic or Protestant in this matter—they must have a re-construction of Dublin University. The right hon. Gentleman the Member for Oxford University (Mr. G. Hardy) said that Dublin University should be left alone—it had done great things and why meddle with it? That was the old argument for rotten boroughs—they had produced great men. But the greatness of the men of Trinity College had been due to its Collegiate more than to its University character. In fact, the relation of the University to the College was that of Old Sarum to the Constitution of England. But there was a much stronger ground for re-construction. If the Bill was to be of any use it was to make a fair and just offer in respect of University Education to the Catholics of Ireland; and, if they refused to re-construct the University of Dublin, it would not be a fair offer. He had seen in the papers a very unjust representation of what had fallen from his right hon. Friend the President of the Board of Trade. It was attributed to him that he had said he wanted to give predominance to the Catholics. [Mr. CHICHESTER FORTESCUE: I said the opposite.] No doubt, when they had formed the University, if ultimately the educated Catholics of Ireland should ever constitute the majority of the Senate—they would have the predominance, and he should be glad when that day arrived. It would be reached by the honourable road of fair competition. And if it should be so, Ireland would then be a very different country from what it was now. He had always felt that the Bill of his hon. Friend the Member for Brighton (Mr. Fawcett) was defective in this very respect. It was right in principle, and he supported it on that ground; but it did not give a fair and impartial Governing Body, and therefore did not make a just and candid offer to the Catholics. If the House did not wish to give the Irish Prelates a real grievance, it would deal with this matter. If the House did not deal with it, it would make a sham offer to them and suffer in the result, which he maintained would be a most unwise thing to do. He would gladly escape from the difficulty of a nominated Board if he knew how; but what was the alternative? They had no constituency except that of the existing Colleges; and to offer the Catholic University to be governed by the existing Fellows of Trinity or the existing Queen's Colleges, would not be a fair offer. True, such a body as was desired might grow in time; but how could the Roman Catholics be expected to go there in the meantime, when they were overshadowed by the whole power and influence of the existing institutions? It was like planting a sapling in the midst of a forest of full-grown trees, where it would never grow. If the House acted fairly, they must acknowledge this difficulty; if justly, they must attempt to redress it. The Government had come to the conclusion that they could only get this fair and impartial Governing Body by having a nominated Board. The Board proposed was, however, too large, and in Committee he hoped the House would agree to reduce the number of its members. The Government having placed the nomination of the Board unreservedly in the hands of the House, the House could constitute it as they liked; and if they constituted it principally out of the academical elements, they would make a fair offer to the Catholics; and whether the latter accepted the offer or not, it was their affair, and not ours. With reference to collegiate representation on the Board, the Government had re-assured the House on that point, in having said that they never attached great importance to these affiliated Colleges, and never expected them to be affiliated in large numbers, and were willing to agree to restrictions in that respect. But these affiliated Colleges were not necessary; get rid of them and we did not want their representatives on the Council, or get rid of the representatives and we did not want the Colleges, and we got rid of the denominational difficulty. If there were no collegiate representatives in the Council there was no need to affiliate any Colleges at all. The students of the Colleges could matriculate and graduate in the University and become members of the University equally well without affiliation at all. He was himself not very fond of denominational Colleges; but who was the great and vehement opponent of denominational Colleges in this debate? The right hon. Gentleman the Member for the University of Oxford (Mr. G. Hardy). In some political satire, *The Whig Guide*, he thought it was, he recollected a scene in which statesmen of opposite sides changed heads; and from the head of the advanced Liberal statesman came Tory sentiments, and *vice versâ*. That scene had been reproduced on Thursday night. He looked round, to see if his hon. Friend the Member for Birmingham (Mr. Dixon) had got his own head upon his own shoulders, or whether he had parted with it for the evening to the right hon. Gentleman opposite. The right hon. Member for Oxford University talked pure League for a quarter of an hour. The right hon. Member said he regretted it, but the condition to which they had reduced Ireland was such that secularism, pure secularism, undiluted secularism, was the only treatment for Ireland. And then the right hon. Gentleman, in order to complete the transformation, went into a dithyrambic eulogium on the merits of secret voting, and was hardly able to curb his impatience to realize the anticipated results of the Ballot. While he listened to these statements of the right hon. Gentleman with mixed astonishment and alarm, a horrid idea entered his mind, that the right hon. Gentleman was going to vacate his seat for the University of Oxford and enter into a contest for the borough of Oxford on advanced Liberal principles. This was a thought which alarmed him extremely for he knew how formidable a competitor the right hon. Gentleman would prove. After hearing that, he was almost on the point of going across the House to ask his right hon. Friend whether he would not recommend him for the vacant seat in the University as a person of moderate opinions who was not so irreconcileably hostile as himself to the affiliation of one or two denominational Colleges. But his apprehension was soon removed; for he observed that his right hon. Friend kept these unusual sentiments carefully locked up in a bonded warehouse in his mind, not intending them for home consumption, but reserving them exclusively for Irish exportation, and, like the witch of old, when he recrossed the Irish Channel he resumed his former shape, and the secularist of Dublin University became the denominationalist of the University of Oxford. Therefore he still hoped that within the precincts of that ancient city he and his right hon. Friend would continue to maintain their attitude of friendly antagonism. He did not hope to satisfy his right hon. Friend; but in regard to the Nonconformists on the Government side of the House, if the arrangement as to the affiliation of denominational Colleges proposed in the Bill was not as he believed altogether necessary, it could be removed in Committee without any detriment to the principles of the measure. Upon academical grounds collegiate representatives would not be a good element at the Board. The best men of Belfast and Cork were wanted there to do the work of their Colleges; and, besides, College representatives would be delegates full of sectional prejudices and more or less antagonistic—conditions which ought to be avoided on such a Board. Why not dismiss altogether the idea of Collegiate representatives, and take a Board nominated by this House upon academical principles? That would be fair and just to both Protestants and Catholics. In this way they would get rid of the whole vexed question of affiliated Colleges, and of the denominational or undenominational prejudices against the Bill. He now came to the "gagging clauses." His noble Friend the Chief Secretary for Ireland said the Government did not regard them as ornamental. He should think not, indeed. Those clauses were the most hideous deformity that ever defaced any Bill laid by an English Government upon the Table of an English Parliament. He could not comprehend on what principle the Government had proposed those clauses, or how they ever conceived that they could be accepted by an English House of Commons. But these "gagging clauses" were dead, and would soon be buried. In the great speech of the Prime Minister the first night of this debate the only passage received with murmurs, almost derisive, was that in which the right hon. Gentleman said he was about to ask the House of Commons to place a stigma upon the study of Philosophy and of Modern History. The right hon. Gentleman must have known from the first that these unfortunate excrescences were doomed to excision. They did not proceed from the lettered mind of the head of the Government; if he had been speaking upon this subject his own sentiments, he would have expressed them in the language with which we are all familiar—

> "How charming is divine philosophy!
> Not harsh and crabbed, as dull fools suppose,
> But musical as is Apollo's lute."

Were did these "gagging clauses" come from? They were the anathema of the Vatican against modern civilization; they breathed the spirit of the "Index;" they comprehended the whole Dunciad of the "Syllabus;" the House would never accept them, and it was hardly worth while to argue against them—it was twice to slay the slain. The Government were not aware of the extent to which the mere proposal of these clauses had wounded the free intellect of England; but they had suffered a severe penalty in proposing them, because these clauses, which were not of the essence of the Bill, had seized upon the imagination of the country, and had occupied so much attention, that people had overlooked the principle of the Bill, and had thereby done injustice to the Government. All he thought it necessary to say of these "gagging clauses," might be conveyed in the words of Dante's guide, in speaking of the disgraceful ghosts, "Let us say no more of them, but glance at them askance, and pass on." What then are we to do? Shall we, by rejecting this Bill, indefinitely protract the solution of this thorny question, or should we not rather desire that it should be removed from the province of a mischievous and dangerous agitation. He believed the Government would help them in such a course, and in a manner not inconsistent with the principles which those who sat on this side of the House could not and would not abandon. Whether the Government did so or not, the Government were not the absolute masters of this Bill. It was the property of the House. The House was in a difficult position — everybody knew it—and that position would not be improved by taunts, whether proceeding from these benches or from those opposite. The Bill was before them, and why should they not choose the good and refuse the evil? If they did not, it would be because this question had been raised into the dangerous eminence of a great party struggle. In that respect the Government were not free from blame. It was, to a great extent, their own doing. He deeply regretted their obstinate and almost passionate resistance to the adoption of the Bill of the hon. Member for Brighton (Mr. Fawcett) on this subject last year. He then told them they were running their ship upon the Pearl Rock. They were now on the Pearl Rock, and the question was how were they to get off? In the hands of an independent Member the question could have been more easily handled. It would not then have raised those party passions, those asperities which always characterised a party struggle. The bubbles that had been wantonly blown into undue importance had, no doubt, been rendered gorgeous by the iridescent eloquence of the First Minister, but that did not alter the character of the measure. It was always a measure of secondary importance, and it had been a great political mistake ever to treat it as any other. It showed a want of that sense of the proportion of things which was the basis of all political prudence. The position of the question was not the fault of hon. Members, and they must deal with it. Those who sat on the Benches below the Gangway would not be accused of servile subserviency to the Government, for they had always defended their principles. Hon. Members opposite, though distinguished by party difference, were English gentlemen, and they knew very well it was not the moment of danger and distress that English gentlemen selected as a proper occasion for deserting their friends. [*Laughter.*] He was sorry Gentlemen opposite laughed, for they who supported the Reform Bill of 1867 were not the Gentlemen to laugh upon this subject. He believed, indeed he knew they were more loyal, more chivalrous, more generous, than they themselves supposed. It was not on a measure which hon. Gentlemen on that side of the House thought right in principle, faulty as it was in details, that hon. Gentlemen opposite could expect them to take the course which the Opposition desired them to pursue. It was not because they were independent that they could therefore be expected to be ungrateful, and on the present occasion they intended to be mindful of the great services they had received, and would not select it to abandon a chief who had often led them to victory, and who, even in the hour of defeat, had always covered them with honour. These were considerations which, of course, did not affect hon. Gentlemen opposite, who were not expected to act upon them. The Opposition might turn out the Government, and it was very likely that they would do so. Moreover, he did not know that any section of the House would have very much occasion to regret it. He could not speak the sentiments of those who occupied the benches above the gangway; but he thought they heard the other day, "by the banks of grassy Lumon"—wherever that might be—a voice which had something of the melancholy sweetness that belongs to the cadence of the dying swan. Alas!

the Ministers wanted rest. Well, it was not exactly rest that he and his friends wanted; and perhaps for that very reason they would not feel very unhappy if they had to change seats with hon. Gentlemen below the gangway opposite. There were many questions which they could discuss with an Administration more advantageously in their point of view from the Benches opposite. This, however, was out the question of to-night. They knew the temptation to a great party when they saw a chance of destroying the Government opposite. It was no doubt a great deal to expect of the Opposition that they should hesitate at all when they were in the flush of expected victory. Yet there were some considerations which even at this moment might give pause to hon. Gentlemen opposite. They might turn out the Government, but they would not do it by themselves. They would have allies, but who would those allies be? They objected, as he did, to placing the higher education of Ireland in the hands of the Ultramontane priesthood. But they were going to do a far more dangerous thing than that. They were going to place in the hands of those who would give them their majority the policy of the House of Commons; they were going to place the choice of the Government of the Queen in the hands of the Catholic hierarchy. He ventured to ask hon. Gentlemen opposite, whether it was worth their while to do that in order to secure a brief and dearly purchased triumph? They would come into Office soon—sooner, perhaps, than they expected—and he hoped that when they came into Office they would come into Power; but he would ask them to consider whether both parties had not played long enough in Parliament at this game of see-saw—at this traffic in the Irish vote. In his opinion, the Parliamentary calculation of contending parties upon the Irish vote was the real Upas tree of Ireland. This had done more mischief in the past, and it might do more mischief to Ireland and to England in the future, than anything else. He knew hon. Gentlemen opposite might address to the party on these Benches a terrible *tu quoque;* but a *tu quoque* was not statesmanship. Was it not time, he would ask, that upon both sides of the House they should open a new chapter on this subject? There were those among them who had something of public life before them, some political hopes which ought to lead them to think a little of the future—not of themselves, but of their country. Was it not better that they should all endeavour to settle this difficulty and to redress this grievance while they might? Was not this for both parties in the State the wise and patriotic course? They had received to-day a message to the House of Commons from a Cardinal in Ireland. Let them send him a reply becoming the House of Commons—befitting this famous Assembly. But such an answer could only be contained in a Bill which should be framed on the principle of firm, calm, and equal justice. If to-night hon. Members would rise a little above the level of faction, might they not say *Sursum Corda,* and let them, Conservatives and Liberals alike, carry to the foot of the Throne—of that Throne whose supremacy they alone acknowledged—a measure which should be worthy of the Legislature of a free people and of the Parliament of a united Empire.

DR. BALL:* I congratulate, Sir, Her Majesty's Government upon the line of defence adopted by the hon. and learned Member for Oxford (Mr. Harcourt), the first advocate of the Bill outside the official circle who has with any power taken part in this debate. He will vote for the second reading, but accompanies the declaration with unqualified condemnation of the chief and cardinal provisions of the measure—the frame of the Council, the clauses excluding particular courses of study, the affiliation of small and obscure seminaries, and the extinction of the Galway Queen's College. Further, he announces that he would retain the present Government in office, but in the same breath observes that, if they should retire, he did not know that any section on his side of the House would regret it. So much for his political friends; then, what of his foes? They are in league with the Irish vote; and by its means are about to place the Government of the Queen in the hands of the Catholic hierarchy. Calculation of this vote by contending parties, he finds to be a fourth branch of the now celebrated Upas-tree. Lastly the sum of these peculiar reasons for the second reading is completed by admitting the Bill to be condemned in Ireland by an absolute unanimity of disapproval; but that very fact, he contends, ought to be its greatest recommendation to a mind like his own, stored with Imperial ideas. I confess, that as my hon. and learned Friend thus proceeded, dealing out with perfect impartiality universal censure upon men and measures, I was involuntarily reminded—ancient history not being yet prohibited—of the elephants of Pyrrhus, which caused as much confusion in the ranks among which they were marshalled, as in those they assailed. Sir, I agree in the comments of my hon. and learned Friend upon the clauses of the Bill; and I am not disposed to express myself upon them more strongly than he has done. Why, then, do I not follow the same course, and go into Committee? Because I take a different view of the duty of this House, when a Bill is proposed for its acceptance. He thinks we may with consistency read it a second time, and afterwards expunge every important clause and provision. I think such a course not consistent with respect to the Minister proposing, the Government responsible for it, the implied general assent given by the House itself. What, read the Bill a second time with the declared design (I use a phrase of Canning's) to "pound and mash" it in Committee! Then wide as the poles asunder are the views we hold respecting the weight and value to be given to Irish opinion. My hon. and learned Friend scorns, I respect it. It is no recommendation of the Bill to me as it is to him, that it is displeasing to all classes in Ireland. On these points rather than on the merits or demerits of the proposals of the Government my hon. and learned Friend and myself entertain opposite opinions, and in them may be found the explanation why, although our premises agree, our conclusions differ. Sir, my hon. and learned Friend finds the substance of the Bill to be mixed education. I find it in the constitution of a new University to be erected upon the ruins of the two which now exist. Here let me observe that I am not enamoured of abstract theories in reference to education, whether higher or lower. Not that they may not advantageously be debated by philosophers and thinkers, but that the work of practical legislation should be carried on with reference to times and occasions, before which theories have to bend. When institutions already exist, they must be taken into account as they exist, and not as we would desire originally to have framed them. The system of the Oxford and Cambridge Universities has admirers who can see no merit in that of the London. On the other hand, there are advocates of the London blind to the advantages of the former. The truth is, each system is adapted to its own place, and discharges important duties peculiar to itself in connection with the instruction of youth and advancement of learning. It it not my comparison with either, but by its adaptation to the people and the circumstances it has to deal with, that the measure proposed for Ireland by the Government is to be tried and judged.

Sir, we have in the debate heard much of the University Council, proposed to be constituted by this Bill; and rightly, for the Council is in truth the new University. Everything is guided, everything dominated and directed by it—the studies, the teachers, the examiners, the students. It bounds, fills, connects, and governs all. True, the internal management of the affiliated Colleges is preserved from its interference; but, pressed beneath its incumbent weight, as the ultimate examining tribunal, gradually they must, in their studies and intellectual pursuits, take, to a considerable degree, "its form and pressure." How, then, is this Council proposed to be constituted? Partly of representative Members, partly of appointed. The representative are to be returned by the affiliated Colleges; two members from Trinity College, two from each of the three Queen's Colleges at Belfast, Cork, and Galway; two from the Catholic University College, one from Magee College—11 in all; and, besides these, others from small Roman Catholic Colleges not named in the Bill or in the Prime Minister's statement. In the debate the Government advocates finding the true nature of these last-mentioned Colleges becoming discovered, throw them over; the President of the Board of Trade (Mr. C. Fortescue), pre-eminently, nicknaming them "bogus colleges." Why, Sir, the Prime Minister, in his introductory speech, clearly pointed to them, hoping that the small Colleges might multiply; and the Catholic Bishops, evidently referring to some proposition made to them for their affiliation, expressly in their resolutions refuse to allow it. And, indeed, how can it be pretended they were designed to be excluded, when so miserably small an educational institution as the Magee College was expressly named for insertion by the Prime Minister. We must, therefore, assume that representatives from such Colleges were intended to be admitted, and will be admitted; and so assuming, let us consider their number and extent. They are 43. At the time of the Census of 1861, they seem to have been 35. The Census Returns for 1872 are not yet published; but from those of 1861 we learn that much the greater proportion of the 35 gave classical education; that 20 of them, containing about 1649 scholars, were under the management of the monastic orders, known as Augustinians, Carmelites, Dominicans, Jesuits, Marists, Oblates, Trappists, and Vincentians; and 15, containing about 1502 scholars, under the supervision of the Catholic prelates or other ecclesiastical superiors. What number of these were intended to return representatives to the Council has not been told, but the number of appointed members, clearly fixed to counterbalance them, proves they were expected to be numerous. What a source from which to seek the advancement of higher education! The Jesuit Order possesses some members of birth and education, devoted to learning and to teaching; but, with such exception as these gentlemen may furnish, I deny the fitness of monastic persons to regulate and control the studies of what the President of the Board of Trade himself terms "the great National University of Ireland." If I err, the Roman Catholic Members, who speak later in the debate, can contradict me. But, until I am shown to be mistaken, I must continue of opinion that the introduction of these persons upon the Council is the introduction of an influence adverse to high culture. Well, if this be the representative element, what is the appointed? 28 in number, to be nominated by this House. Such mode of nomination is, to my hon. and learned Friend who preceded me (Mr. Harcourt), a comfort and consolation under his other painful feelings in respect of the Bill; to me, of distrust and apprehension. What does this House know of Irishmen? At this moment I look at a compact array, a steady phalanx of supporters, who habitually fill the benches behind the Prime Minister. How many of those estimable merchants, manufacturers, and financier have condescended an inquiry into the conditions, circumstances, or persons of Irish social life? Of those who have, how few would venture to criticize the Minister's selection? For my part, I much prefer that uncontrolled power of nomination should be vested in the right hon. Gentleman at the head of the Government. He has given hostages to posterity for conscientious conduct, in speeches, in writings that will outlive your ephemeral disputes, in a lofty tone of thought and reflection pervading both. The Prime Minister, acting under a sense of this individual responsibility, is very different from the Prime Minister proposing a Motion from the front bench at the head of excited, exacting, and unreasoning followers. No doubt, speaking of his position as a Minister, and the duty he would have to discharge in respect of this matter, he has declared that he would not select on religious grounds, but from those who by their special knowledge or position, by their experience, ability, character, and influence, may be best qualified at once to guard and to promote the work of academic education in Ireland. However admirably expressed, what is this but words—"words, words, Horatio,"—applicable equally whether the Council shall be composed exclusively of laymen, or of ecclesiastics, or of collegiate Professors and fellows, or of political and public characters. Neither is it by any means new to us in Ireland. We have heard it all before; have had it tested, and have found the fruit not so excellent as the leaves. Yes, there is not a single profession you now make, in reference to selecting the University Council, that you have not already over and over made as to the National Board of Primary Education. Others may, but you cannot decline to test, by the proceedings of this Board, the reasonableness of our comments, our distrust, our desire to have actual names, not air-drawn images of yet undiscovered nominees.

Hear, then, the case of the Rev. Mr. O'Keeffe, and the National Board. This Roman Catholic clergyman had at Callan, in the county of Kilkenny, schools in connection with this Board, attended by large numbers of children. He brought an action in one of the courts of law against another clergyman, and for this was suspended by his Eminence Cardinal Cullen. The order or rescript of suspension comes before the Board, and Lord O'Hagan, the Irish Lord Chancellor of the present Government, demands a termination of the connection between the schools and the Board. Mr. Justice Morris, a Roman Catholic Judge, moves that Mr. O'Keeffe be heard before he is condemned. Chief Justice Monahan, also a Roman Catholic Judge, supports this proposition. Mr. Justice Lawson, formerly the Attorney General for Ireland of Earl Russell's Administration, concurs with them, and addresses to the Chancellor and his followers a dignified remonstrance, a report of which fortunately has been presented to Parliament—

> "I expressed my unfeigned surprise that, at a meeting to a large extent composed of Privy Councillors and persons holding a judicial position, it could be seriously proposed to condemn a person unheard and to proceed to deprive him of a civil right without giving him notice of any such intention. I suggested that such a course was not only contrary to British law, but even to natural justice."

British law and natural justice against the rescript of the Cardinal! It may be law, most learned Judge, but it is not politics. Wherefore the Lord Chancellor not only himself voted, and led the usual followers of the Government to vote, but, contrary to all rules regulating professional conduct, brought down his son-in-law, Mr. John O'Hagan, who was then counsel for the Cardinal in an action at law pending between him and the Rev. Mr. O'Keefe in respect of this very suspension, to vote. The result was that by a majority of one, so far as the National Board is concerned, education was withdrawn from the children of this large and populous parish. So much for the wisdom and impartiality of Her Majesty's Government in selecting, and for the zeal for the advancement of learning in the selected, Board of National Education. What a warning against entrusting Ministers swayed by the exigency of political circumstances with the choice of those who are to guard the sacred interests of learning and knowledge! But why was the Council to be framed as proposed? The reason is obvious. Nothing being done in the Bill to meet the demands of the Roman Catholic Prelates for religious education, it was hoped their acquiescence could be bought on the cheaper terms of giving them places on the Council. Why, too, was the Lord Lieutenant, necessarily involved in politics, representing for the time one or other of the great English political parties, to be Chancellor? Because otherwise the Cardinal Archbishop, who in Ireland, ranks before any Peer, would preside, and that might alienate Presbyterian support. The Council was planned to meet political objects, will be filled by political persons, and will be moved in its distribution of patronage by political influences. The House is not told who are to be the nominated members, but everyone in Ireland knows just as clearly as if the names were printed in the Bill. The Cardinal, and some judiciously selected Roman Catholic Prelates, a Protestant Archbishop, and one or two Protestant Prelates to balance them; the present Lord Chancellor of Ireland; the inevitable Postmaster General (Mr. Monsell); five or six Peers, ornaments of the Vice-regal circle, who will attend such meetings as are coincident with the Vice-regal entertainments; some barristers looking for Judgeships, and some puisne Judges solicitous about the health of their chiefs.

Sir, this Bill was not introduced to meet an educational want. No one denies that education in Dublin College and the Queen's Colleges had reached a high standard. I know what Continental opinion is upon this subject, and I fearlessly challenge comparison of their instruction, more especially when viewed as a preparation for active life, with that of any other University. It was introduced to meet certain demands in reference to the subject, alleged to involve rights of conscience. The nature and extent of those demands have been exaggerated. There is no more uniformity of opinion upon the subject among Roman Catholics than among Protestants. There are those who prefer united secular and separate religious education. The great Catholic Petition presented by Henry Grattan to the Irish Parliament points out the advantage of the united system of education in removing prejudices and, promoting harmony and mutual esteem among members of different religious denominations. On the other hand, there are also those who think religion should pervade, attend upon, interpenetrate every pursuit and study; and that to effect this, the place, the teacher, the tone of thought and feeling, should be in direct and guaranteed alliance with some recognized form of religious profession. If they are in error, "their failings lean to virtue's side," and I decline to adopt the spirit in which the Chancellor of the Exchequer (Mr. Lowe) has spoken, or to sit in judgment on the the conscientious feelings of my fellow-men. And, therefore, admitting a demand, and that there is a difficulty, and that a measure to deal with the question of University education was to be expected from the Government, let us consider in what manner the Bill professes practically to meet this demand and solve this difficulty. The provisions directed to this end appear to me to be three. The Catholic University College in St. Stephen's Green is proposed to be affiliated in, and to return members to the Council of the new University. The small Roman Catholic seminaries, to whose nature and number I have already drawn attention, are also to be affiliated, and to return members to the Council; and the teaching of Mental and Moral Philosophy, and of Modern History, is to be excluded from the Chairs of the new University. It is quite a mistake that this Bill for the first time introduces mixed education in Trinity College. All the Catholic Judges now on the bench in Ireland were educated within its walls. The Bill opens the Fellowships and some foundation scholarships; but the course, system, and practice of education neither require to be altered, nor are altered by it. Then, as to what I have said the Bill does—the introduction of small Colleges with representation on the Council is for reasons I before assigned absolutely pernicious. The Catholic College in Stephen's Green, a place aiming at high culture with religious education for members of that creed, cannot in my judgment maintain even its present position against the new University; that is, the measure being declared to be brought in for the purpose of meeting a Roman Catholic demand for religious education, it is framed to extinguish an institution which aims at that object. No matter how able the Professors of this College, they could not compete with those of the new University, endowed with an income of £50,000 a-year. The medical school of this College, for instance, which has been successful, could not retain its pupils against that of the University, whose Professors could confer the degrees, and very probably recommend for Government patronage. The inevitable fate of the College must be to become a large boarding-house for students in the University. Except that fees might be cheaper, and that it would have two representatives on the Council —I do not see that its relations would be better with the new than they might have been with the old University. The Bill, therefore, after it is passed, will leave the grievance and the demand, such as they are, which have been alleged to be the reasons that necessitate and justify it, very much where they were before. It causes the unmerited fall of great educational institutions, acknowledged and undoubted sources of instruction and enlightenment, to substitute another of defective construction, circumscribed in its range of study, without the faintest pretence that thereby any want is satisfied, any discontent appeased, controversy or agitation terminated. This is to destroy for the pleasure of destruction. The clauses relating to the study of Mental and Moral Philosophy seem to me to have been inserted by the Prime Minister in consequence of erroneous information. Ireland has not been negligent of these branches of knowledge. From the days of Molyneux, the friend of Locke, whose social and literary position gave his counsels weight, they have been more or less cultivated. He influenced Trinity College when yet the immortal *Essay on the Human Understanding*, whence as from a fountain have flowed whatever contributions England and Scotland have made to these sciences, was in little favour at Oxford, to appreciate and welcome the new philosophy. He turned towards its pursuit at an early age the searching and inquiring spirit of Berkeley —a fellow of Trinity College—with what success learn from the calm and impassioned judgment of Buckle, who pronounces that in the 18th century England produced not one original writer in ethics; that in psychology she was equally deficient, for that Berkeley, the author of the most important discovery ever made in that noble science—he of course alludes to the celebrated and now universally accepted Theory of Vision—was born in Ireland and lived in Ireland; while in æsthetics the only work of the least merit was by Edmund Burke, also an Irishman. In our own time, the *History of Rationalism* and the *History of European Morals*, by Mr. Leckey, trained like Berkeley and Burke, in Dublin College, whose sagacious and profound inductions we may dissent from, but must respect, attest that Irish genius still affectionately loves and follows after these and kindred studies. Nor am I aware of objection to them ever expressed by Roman Catholic laymen. On the contrary, judging from the names of those who voluntarily selecting the course for ethical and metaphysical distinction at the degree examinations, have obtained honours, they seem more partial to them than to mathematics or classics. I see at this moment my right hon. Friend the Member for Kildare (Mr. Cogan), who obtained in this department the highest honour; the junior Member for the county of Limerick (Mr. Synan), Catholic enough we must admit, equally successful; and my memory recalls the name also of Mr. Justice Morris, formerly a Member of this House, among those similarly eminent. Then Modern History! its exclusion would not effect the purpose. Ancient History remains; and Ancient History of late is written with continued reference to parallel or analogous instances in modern. Take two textbooks of Trinity College. Grote's *Greece*, and the great work on Rome by the German Mommsen. In both the past is continually illustrated by the events and institutions of the present. What, for instance, is to be done when the Professor of Ancient History reaches the celebrated comparison of the latter between the Celts on the Seine and the Loire in the days of Cæsar, and the Celts on the Shannon and the Liffey in in our own—lazy in the culture of the fields, indisposed to other labour, ardent, imaginative, rhetorical, credulous, docile as children before the priest? What, but consign the book to the "Index Expurgatorius," and the lecturer to the fate of O'Keeffe—silence or deprivation. The truth is that from the necessarily discordant elements of which the University Council is to be composed—the majority drawn from political or sectarian not academical sources, and unharmonized by the cementing influence of a common pursuit of literature and science—peace can be attained only by eliminating from the teachers and the teaching everything like independence of thought. Mediocrity of mind and common-place reflections may not altogether prevent the offences against religious convictions which the 11th clause of the Bill so severely punishes, but they furnish the best chance of it; and the tendency in that direction will be further increased by the number of representatives from obscure institutions, where the course of instruction is and must necessarily remain limited, and which can therefore continue constituent parts of the new University only by reducing its standard of education to their own level. It may be suggested that Trinity College is preserved, and with it we may hope some superior culture. I do not deny this was intended. I believe the Prime Minister sought to act fairly to the College; but unless the Bill be altered in Committee, the result will not, I fear, correspond with his intentions. The studies must be directed with a view to the courses prescribed by the University for degrees. The collegiate teaching must, for the mass of the students, be subordinated to its teaching. That forms as it were the summit level, and everything else must be accommodated to its depression. Then, to meet the vested life interests, which will at once be affected by the withdrawal of the non-resident students to the University, and by the loss of the fees at present derived from degrees and other sources hereafter closed, and at the same time pay £12,000 a-year to the University fund, the capital of the property of the College must year by year be encroached upon. I, however, am disposed on this subject to trust that the justice of the Prime Minister and Chief Secretary will in Committee redress errors of this character. Surely, if income and emoluments be transferred from an institution not itself condemned, it is out of some other fund than its own property, the owners of the interests injured should be compensated. And why are Trinity College, Galway College, or any other really effective establishment, for superior instruction in Ireland to suffer and languish while the large surplus of Church property remains unapplied and available? Its present contemplated destination, the use proposed to be made of it for the benefit of lunatics and idiots, seems conceived in the very spirit of scorn, in which Swift records that he bequeathed his own property for the same purpose—

> "To show by one satiric touch
> No nation wanted it so much."

Let me cite for the right hon. Gentleman and the noble Marquess (Sir James Mackintosh) — though perhaps in the present estimate of political authority on the Government front bench, I ought to apologize for referring to so distinguished a Whig. He, when recording in his history the confiscation of the property of the monasteries, discusses the question what would be the most commendable application of revenues withdrawn by the national will from these or analagous purposes, and finds among the nearest to the original destination and the most fitting, learned education. No doubt, if we adopt the views of the Chancellor of the Exchequer (Mr. Lowe) upon educational arrangements, few drafts will be needed on this or any other fund, and very unambitious and unexciting our range of studies. Teaching is a trade, and like other trades can support itself. The present system is all wrong. A boy may leave Harrow or Eton and know the Latin for the liver is *jecur*, and not have the least idea where his own liver is in his body: *alia hujus modi.* A philosophy practical but certainly not elevating; if philosophy, indeed, it can be called, and not rather the voice of a degraded materialism, for which our world is the universe, man an ingenious mechanical contrivance, and all outside and beyond the fabric of a vision. Wherever else this tone of thought may prevail, I can answer for its rejection in Ireland. And this, Sir, brings me to the singular misconception of the wishes, feelings, objects of my countrymen manifested in the measure which we are now asked to read a second time, to the universal disapproval which it has received from them, and to the political—I do not mean party — considerations connected with this unanimity of condemnation. Sir, the noble Lord, the Chief Secretary for Ireland (the Marquess of Hartington) says it is for the interest of all connected with Ireland—especially of the educational institutions—that this question should be settled. Now, I am just as alive to the perils of the future as the noble Marquess. I do not undervalue the warning he has given the College, of which I am a representative—for of threats unworthy of his race, unworthy of his own generous nature, I acquit him. But what is meant by being settled? Surely for settlement there must be some guarantee, at the least, some indication that those concerned or interested in the institutions remodelled, will acquiesce; that we are to have an end of agitation, and arrive at finality. Is this so here? Far from it. The Roman Catholic Prelates will no more be content with the new University than with the Queen's Colleges and the Queen's University. Year after year their Pastorals have been directed against them; year after year they will be directed against the new. Indeed, in candour we must allow, the new is but a larger Queen's University; and if the system of the former carried, as the Prelates assert, danger to faith and morals, how will the latter offer less? Old sources of strife will be invigorated and others opened. Strife within, about, and around the new University; strife from the Catholic excluded by his religious convictions; strife from the Catholic included, for what more fertile source of strife than to give him preponderating power in the Council, while the Colleges he represents compete in vain with the University Professors? Each election, each choice of study, will be fought with all the ardour of party and of sect in the little senate you create. I acknowledge—in 1870 when I first announced the resolution of the Board of Trinity College to support the abolition of tests, I expressly stated, that great difficulties surround this question; dfficulties in the subject, difficulties in the state of English and Scotch opinion, difficulties in the demands of the Roman Catholic Bishops. Of other difficulties not less formidable I since see traces: indications that the attitude assumed by these Prelates is due to unreasonable hopes heretofore excited in their minds. I infer this from their Pastorals, and, above all, from the declaration of his Eminence the Cardinal at the great meeting of Catholics in Marlborough Street Cathedral in January, 1872, in which he alluded to "promises" made in reference to this subject. True, nothing of the kind can be detected in the Prime Minister's speeches. On the contrary, he—first in his place in Parliament, afterwards in Lancashire—gave no obscure intimation that he would not move in this direction, and characterised the policy of concurrent endowment as a policy perishing in the moment of its birth. But the right hon. Gentleman is not exempt from the common lot of Ministers, and it is the curse of greatness to be followed by those whose zeal outruns discretion. Notwithstanding the infallibility which attaches to Cardinals and Bishops, it may—when the secret history of this question comes to be disclosed, and at some or other everything, it seems to me, is disclosed—turn out that they have been misled, and that for the engagements and the expectations built upon them, the only authority was—

> " Some busy and insinuating rogue,
> Some cogging, cozening slave, to get some office."

Amid much doubt and much obscurity over this part of our Parliamentary history, three things are certain. (1.) That a Minister educated in this very Trinity College, which you now destroy, Irish in birth, in lineage, above all, in a generous sympathy for every class and creed of his native land, did announce that he sought equality, not by degrading and destroying, but by elevating and restoring. (2.) That the Roman Catholic Bishops obstructed his proposals. (3.) That if they obstructed them without assurance or promise from any quarter of better terms, they displayed more of the simplicity of the dove, and less of the wisdom of the serpent, than ever I have observed in them upon any other occasion. But be these difficulties what they may, how much are they enhanced by the tone and conduct of the Government during this debate. The Chancellor of the Exchequer (Mr. Lowe) proclaims that we may regard the declaration of the Roman Catholic Prelates as we regard the visitations of nature, an earthquake, a storm, or a famine, or anything else that we cannot help, and to which we can only adapt ourselves as well as we can. What a declaration at a moment when a measure, which boasts to be a compromise, a settlement, is offered; when conciliation is pre-eminently demanded, and any ultimate result to be attained only by mutual forbearance! The writers of antiquity, whom the right hon. Gentleman owes so much to, and treats with such ingratitude, might have warned him that the Celt, although patient of wrong, is unforgiving of insult. The course taken by the Prime Minister is still more to be regretted. Not in this House where answer or explanation are possible, disregarding the Irish Members as though they had no voice to be considered, while this debate is unconcluded, he collects his other followers to a banquet at Croydon, and announces that, somehow or other, an Irish question is very commonly found to be a suitable and convenient subject for a row. But what is the question and what is the subject? And when you answer that it is higher education, consider a moment what this means to Ireland and Irishmen. Our legislative independence is gone; trade, except the manufacture of linen in Ulster, gone; one-fifth of the whole income of the country drawn by absentees to England. But an equivalent you gave us worth all you had taken; you incorporated us with yourselves, opened up to us the whole field of your unbounded Empire; partners in your greatness and your glory. Of little avail, had you not left us the very University you now destroy; for what were the field without the arms and the training to conquer? As it was, freely, fully, everything was opened to us. Mayo, Governor General of India; Cairns, Chancellor of England; five Judges of the English Common Law Bench from Trinity College within the last 10 years; Magee on the Episcopal; India covered over with our successful competitors for its civil service; not a colony that is not at this moment served by ability trained in the Irish Universities. The question, in truth, touches the whole surface, and penetrates the inmost depth of Irish social life. Hence excitement you cannot understand; hence unanimity unprecedented. The provisions of this measure, notwithstanding the professions with which they were heralded, menace intellectual culture; dwarf everything, degrade everything. It is the policy—pictured by your own great dramatist, he who, above all others, had sounded all the depths of human nature—pursued by the elder to the younger brother when having robbed him of his patrimony, he made him unfit to recover it, and "undermined his gentility in his education." Here, then, arise political considerations of grave moment? If this Bill be read a second time, it must be read by the votes of English, Scotch, and Welsh Members. Ireland declares, and will declare in the coming division her opposition. A Minister against a people! for, although we have ceased to be a nation, we are still a people. That is the issue. The right hon. Gentleman at the head of the Government is prepared for this issue. It is because it was impending, that he addressed his followers at Croydon, called upon their wavering allegiance; and what the invocation? Ireland, Irish interests, Irish feelings? Nothing of the kind. Party, the triumphs, the successes, the interests of the Liberal party. I have led you to victory against the strongholds of prejudice and privilege, and I can lead you again. If the storm rage, and the waves run high, and the bark now on the crest, now in the trough of the wave, reels to and fro, the magician who "put the wild waters in this roar," can again allay them! Is this so certain? What if the spell be powerless, and the wand broken—if the agitation you have raised in Ireland refuse to pause at your bidding?

Sir, I am unable to share the views, the confidence, the equanimity of the right hon. Gentleman. Irish by birth, by education, residence, profession, bound to my native soil by indissoluble ties, I cannot sever my interests from hers. I regard with alarm the indifference manifested to her feelings, opinions, wishes—education, progress, elevation in the scale of nations, mere feathers in the balance compared with the fate of a Ministry, or the triumph of the Liberal party! I foresee in that very triumph new grounds for the discontent which, whether with or without reason, extensively prevails. I anticipate the use which the advocates of a separate Legislature may make of it, to proclaim that in the Imperial Parliament neither Irish feelings are respected, nor Irish interests consulted. Touched by this feeling, these apprehensions, I decline to assist the further progress of this measure. Even were the concessions suggested to academic objections more important in themselves, and more securely guaranteed, than they are, still I am constrained to vote against the second reading of this Bill, because I am not prepared to meet the unqualfied opposition of an unanimous people.

MR. P. J. SMYTH: I am pained to find myself forced into a position of antagonism on this subject towards the only Government my country has known since the Union that has shown a disposition to grapple with the Irish difficulty. But, on seeking the honour of a seat in this House, I, in common with some other Members from Ireland, voluntarily gave certain pledges, and those pledges I conceive can only be redeemed by uncompromising opposition to this Bill. It is a Bill of necessity on the part of the right hon. Gentleman, and being so it has been framed with a view solely to pass, but not to settle a disturbing question. It supplies no admitted want, satisfies no just claim, redeems no promise, and while unsettling much, settles nothing. The plan of the Bill is defective, and will prove in operation impracticable, inasmuch as, while adopting affiliation, it overlooks the necessary branch of intermediate education. The secondary schools are the pillars of the structure which the right hon. Gentleman proposes to erect, but where those pillars are to be found, whether they really exist, what condition they may be in, the House is not informed. The House is asked blindly to adopt a system of affiliation, and to leave to a nondescript Council the task of selection. The secondary schools are notoriously in an unsound state; some of them have been condemned by Royal Commissions, many of them are endowed sectarian schools; all of them, at some indefinite period, will form the subject of legislation, yet, notwithstanding all this, the House is required to abdicate its privilege of pronouncing on their fitness or unfitness for the purpose contemplated by this Bill. The subjects of intermediate and higher education in Ireland are inseparable, and should be dealt with in one comprehensive Bill. To fling a dome into the air without providing the requisite pillars is an architectural feat not likely to conduce to the perfectness and completeness of the edifice. Looking to the provisions of the Bill, I enter my protest against the monstrous exclusion of philosophy and history. The highest authorities upon education—Locke, Milton, and others—rank mental philosophy as one of its highest departments. Even the very humble curriculum furnished by Messrs. Chambers in their *Information for the People*, has this paragraph—

"Mental Philosophy.—This is a department of science which it is the fashion of our age to overlook. Yet what can be more important than a knowledge of that wonderful power by which we think and act, and which more especially connects us with the things above and beyond this transitory scene?"

In the University systems of Europe for 800 years past, mental philosophy has been, if not the whole, the principal part of the curriculum—everything revolved round it. Even still, logic—the laws of mind in its function of reasoning—metaphysics, psychology, ethics, natural law, and natural theology, form the most important part of University training. Take these away, and you take the spring from the year; you teach the play of "Hamlet" without Hamlet's part; you teach a maze of unmeaning facts without a key to any. The right hon. Gentleman himself is our highest authority on this. In his fine address at Liverpool, he warns the young student to prepare himself well against such writers as Strauss, and such products of the modern school of thought as the "Universum." How is he to do that without mental philosophy? Upon what other basis will be found the rules of human duty, the maxims of natural law and civil polity, the duty of subjects to the State, of the State to the subject, and of State to State? History is philosophy teaching examples. You abolish the philosophy by abolishing mental philosophy. You abolish the examples by abolishing modern history. What remains? Pope said—

> "The proper study of mankind is man."

But mental philosophy and modern history comprise the two chief aspects in which man can be studied. Abolish them, and man no longer knows himself; and we have realised Dr. Newman's prediction that the time may not be far distant when, on account of divergences of opinion, man as well as God may be excluded from the subjects taught at a University. History is ordinarily divided into two main sections, ancient and modern, the latter beginning with the birth of Our Lord. Ancient history, how fresh and interesting soever it may be to imaginative minds, is not history properly so called. It is but a record—often furnished from mere fancy—of the wars and conquests of two great nations, Greece and Rome. It bears no comparison in extent of sphere, in variety of interests, in development of peoples, in discoveries brought to light, in arts invented and the application of them, to that history which we call modern. Human progress began in fact with the modern, and the records or myths which we have been accustomed to read in schools of these two successful peoples furnish no sufficient information for the mature minds of University scholars—no sufficient preparation for the battles of modern life. Ancient history might, perhaps, be dispensed with—though I should be sorry to see it—but we must keep the modern—knowledge of it is a necessity for every man who goes into the world. Remember what, according to the greatest of Roman historians, Livy, is the true value of all history—

> "Ad illa mihi pro se quisque acriter intendat animum, quæ vita, qui mores fuerint; per quos viros quibusque artibus domi militiæque et partum et auctum imperium sit."

Where will examples of the kind mentioned by Livy be found in the histories of Greece, Rome, or Assyria? You will find them at every page of history in modern Europe, in America, and in countries sealed up to what we call the ancient world—China, India, and Central Asia itself—

> "Better fifty years of Europe than a cycle of
> Cathay."

Better fifty years of Europe for instruction and true knowledge of our fellow-men, than all the periods, fabulous, prehistoric, heroic, or historical, from the age of bronze to the age of Augustulus, where ancient history may be supposed to close. It is difficult to realise how such a proposition as the elimination of modern history from a University course can be gravely discussed at the present day in a British senate. More difficult still to realise the fact of a great Minister saying to any portion of the youth of this realm—you may climb the Capitoline hill, but Olivet and Calvary are forbidden heights; you may sail with the Argonauts for the recovery of the Golden Fleece, but you shall not accompany Columbus on his voyage to the discovery of a new world; you may stand in line with the three hundred at Thermopylæ, but you shall not ride with the six hundred into the Valley of Death at Balaklava. It is said that this is a concession to Catholics, inspired by a tender regard for Catholic conscience. I wish to dispel that illusion. The fundamental doctrines of mental philosophy are the same both for Catholics and Protestants. Catholics, equally with Protestants, recognise Paley and Bishop Butler as among the highest authorities on the subject. It is a department of learning which has a peculiar charm for the Celtic mind, and the one in which the Catholic students in Trinity College particularly distinguish themselves. I admit the difficulty of treating the subjects of mental philosophy and modern history in a mixed institution, but I can only deal with this Bill as I find it, and as a Catholic I implore the House not to ratify the barbarous decree. I object, having regard to the whole scope of the Bill, to the power given to the Council to reprimand teachers who give wilful offence in matters of religion. Suppose the matter treated of to be geology, and the teacher maintains that the world has existed for 1,500,000 years. That is contrary to the Mosaic account, and he gives offence in a matter of religion. Here you meet the difficulty by punishing the teacher, but logically you are bound to abolish the science. Geology, it is clear, must go the way of philosophy and history. Thus you have a place of universal teaching, minus philosophy, minus history, minus natural science. In flat contradiction to this penal clause is the regulation that no disqualification shall attach to any candidate in any examination by reason of his adopting in any branch of learning any particular theory in preference to any other received theory. What is a received theory, and what is not? Is Darwinism a received theory? If it be, the candidate is free to hold any theory he likes. If it be not, it is fair to punish the teacher and leave the candidate free to give what offence he pleases? I will now, with the permission of the House, show by a few brief examples, the impolicy of adopting, under present circumstances, a system of promiscuous affiliation, and conferring on the Council power to do that which in a few years hence Parliament may require to undo. The Queen's Colleges, viewed from the stand-point of Sir Robert Peel and Sir James Graham, must be pronounced failures; but keeping steadily in view the motives of these eminent statesmen, it will be found that Cork is a greater failure than Galway, and that Belfast is the greatest failure of the three. In Galway 56 per cent of the students are Catholics, in Cork 42 per cent, and in Belfast 4. Failures though they be, better, I have no hesitation in saying, the Queen's Colleges, with their variety and their competition, than this *monstrum cui humen ademptum*, whose only attractive force consists in bulk. Descending from the Queen's Colleges, I find a network of institutions, largely used for intermediate education spread over the land, and maintained by permanent endowments granted by the Crown or by Parliament out of the national property. There are diocesan schools, Royal schools, Irish Society schools, Erasmus Smith's schools, incorporated schools, model schools, and others, with endowments amounting in the aggregate to £52,000 per annum. All the schools in these categories are practically denominational; all of them have formed at various times subjects of Parliamentary inquiry; all of them rest, more or less, under the ban of Parliamentary censure; many of them are already connected by exhibitions and scholarships with Trinity College; many of them, such as Erasmus Smith's schools, are better qualified for affiliation than the Magee College, which received last year one student, and enjoys an endowment of £500 a-year from that incongruous body known as the Irish Society—weighing all these facts is it a reasonable thing to ask Parliament to part with its power over them, and give to this Council the right of fixing the future status of these schools, or of any of them? Mrs. Glass's receipt appears not quite inapplicable to the present case. Before adopting affiliation, know what you are going to affiliate, how it may be caught, and how it may be made worthy of being put upon the table. In the Census Report on Education of the year 1861 the educational institutions of Ireland are classified into two divisions —superior and primary; the former including all institutions, in which a second language, ancient or modern, is taught. What will be the effect of this scheme? In the first place to degrade the University by incorporating with it a multitude of obscure schools; and in the next, to enable a multitude of obscure schools by cramming a few students for matriculation to advertise themselves as first-class collegiate institutions. The financial part of the Bill is worthy the genius of the right hon. Gentleman the

Chancellor of the Exchequer. Ireland gets a grand national University, and no contribution is demanded from the British taxpayer. A sum of £50,000 is required for the new Dublin University and College. Galway brings her dowry of £10,000, Trinity College yields £12,000, fees give £5,000—total £27,000; leaving an annual deficit of £23,000. How is that sum to be obtained? Oh, there is the surplus of the Irish Church Fund, and into that the right hon. Gentleman dips his hand. It is very simple, very convenient, but is it just, is it honest? What, having regard to its origin, are the objects of the Church Fund? They are four-fold—maintenance of Church fabric, support of clergy, relief of the poor, education of the people. The first two have been abandoned by the Catholics; the other two may be accepted by them; but, in equity, no portion of that Fund can be taken for the purpose of endowing a secular institution like this. What have you already done? Maynooth was founded in 1785 by the Irish Parliament, the original intention being that it should be a Catholic University and College for lay as well as for divinity students. It went over at the Union as a charge to the Imperial Parliament. In 1845 the grant was raised to £28,000 a-year. By the Church Act you relieve the taxpayers of the United Kingdom of that charge, and compensate Maynooth, not by calling on the Consolidated Fund, but by abstracting from the Surplus Church Fund £370,000. The *Regium Donum*, granted in the time of Charles II., passed, like Maynooth in 1800, to the charge of the Imperial Parliament. It amounted in 1869 to £45,000 a-year. You relieve the taxpayers of that charge by paying the Presbyterians £700,000 drawn as before from the Surplus Church Fund. The Belfast Theological College is dealt with in the same way; and now you call upon the Surplus Fund for a further sum of £560,000—that is the amount capitalized at 25 years' purchase of the £23,000 a-year—for the endowment of a secular institution which Catholic Ireland will not have. Thus you will have taken from the Fund, to the great wrong of the Irish nation, upwards of £1,600,000. This occurs 40 years after the Appropriation Clause excited in this House some of the most remarkable debates in Parliamentary annals. I know not if the Liberal party has retrograded since 1833; but then, at least, no school of Manchester or of Birmingham dared dictate to the Morpeths, the Howicks, the Melbournes, the Macaulays, and the Russells, a policy at variance with the principles of justice and equity. The Surplus Church Fund being at hand, the right hon. Gentleman can afford to be generous, and accordingly he spreads before poor Ireland a tempting array of prizes. These things, in the words of the right hon. Gentleman himself, are "the medicines of our infirmity, not the ornaments of our health." For my part, I regard them as deleterious—more calculated to protract the infirmity of the present than restore the intellectual vigour of the past. The right hon. Gentleman, in his introductory statement, referred in feeling terms to those sad times, when, across a scene of turbulence and bloodshed, there flickered from time to time the faint light of a national University. It flickers still. But how comes it that, having once looked into that past, the right hon. Gentleman should present to the Irish people a Bill conceived, to a large extent, in the spirit of the 16th century? Then, education was forbidden to them, except in conjunction with a religion which they repudiated; now, education is offered to them without the religion to which they are attached. Then, their Church lands and College lands were seized to found institutions hostile to their faith and nationality; now, the residue of the ecclesiastical revenues of their ancestors is applied to the endowment of a godless University. I will not pursue this theme. But the House will bear in mind that even were perfect equality established to-morrow, the Catholic would start in the race with his Protestant brother weighted with the effects of the disabilities of 300 years. The House will bear in mind in discussing this Bill that, although its subject be Ireland, its object is education, and that the decision arrived at will affect mankind. In the name of learning, degraded by it, of the human mind debased, of man cast down, of God repudiated, I ask the House to reject this Bill.

Mr. CONOLLY congratulated the hon. Member who had just sat down upon his eloquent denunciation of this Bill. It had met with a concert of disapproval which was unequalled in the annals of Parliament. The whole people of Ireland objected to it; and every section of people in Ireland had equally found fault with this unfortunate Bill. The noble Lord the Chief Secretary for Ireland refused to accept the fiat of the Bishops; he might accept the fiat of that House, and when he found nine-tenths of the Irish representatives voting against the Bill, he would perhaps believe that the whole of the intellect of Ireland was opposed to him. He believed that the noble Marquess, in his secret conscience, gave due weight to the opinion of the people of Ireland; but he was officially bound to the chariot of the head of the Government. Even if the Bill should be carried to a second reading, it would only then be launched upon a sea of storm and turbulence, which it could never survive. The responsibility of the right hon. Gentleman (Mr. Gladstone) had not been lessened by the advocate which he had put forward that night. He (Mr. Conolly) had a right to call him an advocate, for it was easy to see that in imagination the hon. and learned Gentleman (Mr. Harcourt) was already upon the Treasury bench. His speech would have a most disastrous result; for it was made in defiance of the public opinion of Ireland. He said that they were not to govern Ireland according to Irish ideas. They who sat on that (the Conservative) side of the House had never said that they ought to do so; but if there was any one subject upon which Irish ideas ought to be consulted, it was that of education in Ireland. He believed that no more injudicious appeal was ever made than that made by the hon. and learned Member for Oxford. It was always a bad thing to attempt to override a section like the Irish representatives, even when they were divided; but when they were united, as they were upon this subject, such a course he believed to be at once ungenerous, unstatesmanlike, impolitic, and unjust. The great career of Trinity College was not to be blotted out by a factious division upon this Bill. In somewhat bad taste the right hon. Gentleman had been called upon to withdraw the measure; but he could not do that in the hasty and hardly creditable style suggested to him; but before he attempted to press it forward, surely he would do well to take counsel again with his Cabinet. The hon. and learned Member for Oxford had given them to believe that several of the most objectionable parts of the Bill were already vanishing from sight, and these were the lures held out to induce the House to assent to a second reading. If, however, the gagging clauses and the affiliation clauses were to be given up, together with that still more objectionable feature—the nomination of a political Council—what would remain of the Bill? It would then resolve itself into a measure for destroying the great University of Ireland, which would receive the deep-rooted opposition of every Irishman, Protestant as well as Roman Catholic. Not only the present but the past would rise up against the destruction of that University. If, however, the Prime Minister pressed the passing of this measure with a majority hostile to Ireland, what were its prospects in that "other place" to which it must fortunately still be referred? To suppose that the other House would treat it with more leniency than the House of Commons was simple infatuation. Every debate would only have the effect of showing the people of Ireland the animus and determination of the Prime Minister and the Liberal party to stamp down the opinion of Roman Catholics and Protestants combined, to treat Ireland as a cypher, and govern her by power and authority alone. If that were the course to be taken, he knew well the result. Irish politics would enter upon as dark a phase as had yet been seen, hostility to England would again be evoked, and Irishmen would protest against one of the greatest gifts of God and Nature being taken away from them. He agreed with Archbishop MacHale when he said that Ireland had always been a land of learning, and when he protested against any plan of divorcing education from the tutelage of religion. He did not believe that the united education scheme proposed by Lord Stanley had ever been a success in Ireland. It was intended that mixed education should be engrafted on that country; but, owing to the action of the National Board, education had been as completely denominational as it was intended to be united. If the education proposed to be given under this Bill were manipulated by a Board under the

Government, University education, like primary education in Ireland, would become purely denominational. What would the people of England say when they found that after raising a tumult in Ireland, the Bill had simply evoked a Roman Catholic denominational University in Ireland? Looking at the measure from all sides, he thought that it had been unfortunate in its conception and ill-advised in its provisions, and that it would be disastrous in its results.

SIR DOMINIC CORRIGAN:* Sir, I cannot think the Amendment is worthy of one minute's consideration, and I therefore turn at once to the great object before us—the University Education Bill. I will vote for the second reading of the Bill, and for its going into Committee, reserving to myself afterwards the right to oppose the Bill altogether, if such Amendments as I think necessary are not carried in Committee. It gratifies me that the course I am taking is in accordance with the views of the Catholic Archbishops and Bishops of Ireland. In their Petition, presented to this House on Monday night, they pray either for the rejection or the amendment of the Bill. I adopt their latter alternative as the better of the two. There is a consideration that I think we ought all, and I am afraid we do not all, keep sufficiently clear in our view, that we are here discussing only University education—that is, the education which young men above the age of 17 are going through for their degrees, and that we are discussing neither intermediate nor primary education. It does not follow that a man must entertain the same views on University, intermediate, and primary education. I myself do not entertain the same views on intermediate and primary education which I entertain on University education. This distinction will, I hope, be kept clearly in view. I know it is not yet kept so, even in Ireland, where we have been so long considering the subject of education. Let us recollect there are three phases of education before us—the University, the intermediate, and the primary—and that a man's views on one phase do not imply that he takes the same views on the second or the third, and that it is only University education we have now before us. Some friends, whom I esteem, have asked me to join them in opposing the Bill at every stage, on the ground that it is utterly impossible to amend it in Committee. I cannot take this view; I believe that any measure, however bad, may be amended; and as to the word impossible, I do not believe in it—

> "That foolish word Impossible at once for aye disdain."

I will vote for the second reading of the Bill, and for its going into Committee, that we may attain a full and clear understanding of all the bearings of the subject. The English mind has not yet attained this, for so lately as Saturday morning we find the following passage in *The Times* of that day. *The Times* says that Irish Catholics have no grievance to complain of; that—

> "Catholics can get degrees from the Queen's University, although passing their University career in Catholic Halls; with respect to Queen's University, Catholics have just the same ground of complaint that they have against the London University, and no more."

This is altogether an error. Catholic students may go from Carlow College, and from St. Mary's College, Dublin, from St. Patrick College, Thurles, St. Kyran's, Kilkenny, and from several others, and from private tuition to London University; but they will not be admitted to the Queen's University, sitting in Dublin, unless they spend the whole time of their undergraduate course in one of the Queen's Colleges in Belfast, Cork, or Galway. The parents of a young man residing in Dublin may educate him as they please under their own eye in England, Ireland, or even on the Continent, and send him to London for the examinations for his degree; but the Queen's University, sitting in Dublin, is precluded by law from admitting him. Surely the Catholics have just grounds of complaint against the Queen's University in Ireland, or not against it, but against the laws which hamper it. Connected with the progress of general and professional education in Ireland—for many years a member of the Senate of the Queen's University since its foundation, and holding the office I have now the honour of holding, that of Vice Chancellor—I have necessarily given attention to the subject. My views may be wrong; but I trust to your kindness, Sir, and to that of the House to listen to them. I am of the same opinion now as I was some years ago, that there should be a great national University in Ireland, whose function it should be solely to examine—to examine all candidates, come from whence they may, or wherever educated, in College, at school, or at home. In one short sentence I embodied my sentiments in addressing my constituents, and on it they elected me. These are my words—

> "That there should be one great National University for Ireland. . . . That its degrees, honours, and emoluments shall be open to all candidates, wherever educated—in College, at school, or at home. , . . That the State should be equally impartial to all denominations, giving equal aid to all—to those who desire to have denominational education, and to those who do not."

These words, Sir, explain, I hope sufficiently, the character in which I rise—not as the advocate of mixed education, not as the advocate of denominational education, but as the advocate of perfect freedom of education, giving equal facilities for education to all, and equal aid to all. The Bill now before us carries out the principle of the establishment of one great national University, and, so far, has my support. It has also my support on another point—that it reserves the matriculation examination to itself; but on many other and most important points the Bill appears to me to be objectionable, unsatisfactory, and unworkable. The importance of granting full scope to freedom of education, especially in a comparatively poor country like Ireland, may be estimated from the fact that of about 1,000 or 1,200 students on the books of Trinity College, there are at least 500 on the books annually who are engaged in other pursuits for their support, who labour on their task of education in their evening hours, and avail themselves of the by-law of Trinity College, which permits them to go through their whole Arts' course without attending a single course of lectures, and to obtain their degrees on examinations, as in the London University. This system has been in operation for more than 100 years in Trinity College, and with good results. Strange to say, this important privilege the Queen's University has never enjoyed; the 500 students alluded to, have been driven into Trinity College—a very large proportion, probably more than one-half, would have become graduates of the Queen's University had the privileges been equal. I will read, in support of the benefit conferred on young men by this full freedom of education, a short extract from a letter of a graduate of the London University, which appeared in *The Times* of May 25, 1869—

> "The son of a highly educated but poor gentleman, who had met with reverses, I received an ordinary education at one of the City schools, and before I was 16 obtained employment in the City. Being fortunate enough to make progress, and believing, at about the age of 21, that a University degree would be desirable, my attention was directed to the University of London, where after four years study I took the ordinary B.A. Degree, having passed all the examinations in the first division. . . . The reluctance I naturally feel in saying so much about myself gives way before what I believe to be a duty I owe to the University which has offered me so many advantages, and to the hope that I may thus make known, more generally than is the case at present, the means by which any man in London, of moderate abilities and fair preliminary education, may obtain a degree at the same time that he is maintaining himself by commercial pursuits."
>
> "B.A., LOND."

As far, then, as the Bill goes in enunciating the principle of one great national University with full freedom of education, I go with the Bill; and also thoroughly with it in the new University retaining in its own power the matriculation examination. Retaining the standard of matriculation in its own power will bar imperfectly educated students from entering the University, and will effectually obviate any deterioration of education, for all Colleges and schools sending up their pupils must come up to the standard of the University. The University will not sink its standard to theirs, and the public will at once be able to judge of the comparative merits of the several Colleges and schools in Ireland by the comparative numbers that pass from each. I now come, however, to a great stumbling-block in the scheme of the new University. It is in the attempt to engraft on the University affiliated Colleges. The London University tried for some years after its foundation to affiliate Colleges—that is, to admit certain Colleges to the exclusion of others, to send up pupils for examination; but they were soon obliged to abandon it. They now give no advantage whatever to one place of education over another. It has been stated in course of debate that the London University has affiliated Colleges attached to it, and that this Bill was only copying the Charter of the London University. I now repeat what I have already stated—that the London University has no affiliated Colleges in the sense in which they are mentioned in this Bill. In this Bill, by affiliation is meant adopting into the University certain Colleges with exclusive privileges of representation not shared by other Colleges. The London University never had any Colleges of this kind attached to it. It had in its first Charter—1837—a provision under which certain Colleges were named with power from time to time to add other Colleges, and no persons were admitted to examination unless with certificates from the Institutions named, or to be afterwards named. The list in the Charter originally amounted to 57; this system was abolished in 1861 by a new Charter; for it was found impossible to draw the line, to know where to stop, and serious abuses grew out of the system. Some of the affiliated Institutions set up a sale of certificates, and young men receiving their education from schools not recognized, or from private tutors, purchased certificates from some of the recognized institutions, but never attended them, and got their education elsewhere. If any Member will now look at the Calendar of the London University he will find matriculated students and graduates from innumerable Colleges and from private tuition. In the sense meant in this Bill, then, the London University never had any affiliated Colleges whatever entitling them to take part in the management of the University, or to send representatives to its Senate in Council. There is no resemblance whatever in the connection at any time of Colleges with the London University, and the proposed affiliation of Colleges under the proposed Bill. Where or how is the Council under this Bill to draw the line to say what Colleges are to be "within the pale,"—and the word has an ill-bearing reputation in Ireland—and what Colleges are to be "outside the pale?" I have some experience on this matter. When the Supplemental Charter was granted to the Queen's University in Ireland, and was about to come into operation, we—that is, the Senate, on the suggestion of some of its members, in which I did not concur—proposed to make a selection of Colleges. We spent day after day in trying to find out some principle of selection. We found it utterly impossible. We tried the test of numbers—of means of education. Immediately every Institution had Professors on every subject required. We thought of the test of numbering the pupils—any number of names could be made up. Jealousies sprung up. At last I was myself almost driven to consider the expediency, as a test, of measuring the boys as recruits are measured, and admitting each Institution, according to the number of boys coming up to a standard of 5 feet something. I deeply regretted—and I have deeply regretted from that time (1866) to the present—the defeat of the Supplemental Charter. Had its legal defects been remedied—for it was by a mere legal oversight it could not be brought into action—and had the Queen's University been permitted to admit to examination young men from the various Colleges in Ireland, Catholic, Protestant, and Presbyterian, in addition to pupils from the Queen's Colleges—for this was what the Supplemental Charter was aimed to do—we should have had six years trial of freedom of education in Ireland, and my belief is we should not now be whirling round in this cyclone of turmoil and difficulties and strife. I may take this opportunity of observing to the hon. Baronet the Member for East Gloucestershire (Sir Michael Hicks-Beach) that he has been inaccurately informed as to the object of the Supplemental Charter, and as to the occurrences relating to its introduction and attempted working. He stated in the course of his speech—

> "That it was introduced that the students of the Roman Catholic College should take their degrees at the Queen's University, the Roman Catholic College being affiliated to it; but it was decided by the Rolls Court in Ireland that such a measure would deteriorate the University degree."

Sir, I can assure the hon. Baronet that the Supplemental Charter was not passed to admit the students of the Roman Catholic University, but was passed to admit, on the same system as the London University, all candidates on undergoing certain examinations; that the Rolls Court in deciding against the Supplemental Charter merely decided on a legal point—namely, that the Senate of the University had no power to accept the Charter without the joint assent of Convocation. The Rolls Court had no power as a Court of Law to take up the consideration of deterioration of degrees, and did not take up such question at all in giving its decision. The Prime Minister in his speech, Sir, has also fallen into a mistake. He said, speaking of the Supplemental Charter, "That plan—that is, the plan of the Supplemental Charter—has entirely broken down." This is not quite correct. An experiment or plan cannot be said to have broken down until it has been first tried. The Supplemental Charter did not break down, for it was never tried. It never came into action, for before we could bring it into action the decision of the Rolls Court on a legal point stopped all proceedings to work it. I have now, Sir, an observation to make in justice to the Queen's University. Is there any test by which to ascertain whether its examinations have been creditable, and have supported a good standard of education? We have a test by which to ascertain how the Queen's University has discharged its duty as an examining body, and the test is a sure one—namely, how have its graduates borne the test of competitive examination with the graduates of other Universities when tried before another and an impartial tribunal? The Inspector General of the Army Medical Department has an Examining Board, who examine such candidates as present themselves, perfectly regardless as to the Universities or Colleges from which such candidates come, merely requiring that the candidates shall be duly qualified practitioners in medicine and surgery under the Medical Act of 1858. In five years, ending in 1869—I have no later Returns from which I could quote—there were examined by the Board for the Army Medical Service 28 candidates from the University of Edinburgh, of whom 7 were rejected, or 25 per cent; from Trinity College University of Dublin 70 were examined, of whom 16 were rejected, or 23 per cent; and from the Queen's University 76 were examined, of whom only 5 were rejected, being only 6 per cent. I now come to what is, in my mind, one of the most serious objections to the Bill. It is that this new University to be founded is to be a teaching as well as an examining body. It is to have Professors at a cost of £45,000 a-year. Will this be fair play in education? This new University is not only to examine candidates who present themselves, but it is also to educate them. Everyone who is at all conversant with the details of education well knows that the Professors of this new University would soon have a monopoly of pupils and of fees; for you never could persuade young men going up for examination that the influence of the Professors of that University would not ensure a more favourable examination than could be obtained without it. Suppose the First Lord of the Admiralty saw it necessary to establish an Examining Board to test the seaworthiness of all vessels built in the United Kingdom—that this Board was to consist of shipbuilders, who were to be empowered, not only to examine all ships before being certified for, as to their fitness, but also to become a manufacturing firm themselves, building ships for their own profit, and entering into competition with all other shipbuilders—would this be fair play to all the other shipbuilders? Certainly not. Assuredly, almost everyone wanting a ship would go to this Examining Board for his ship; for it would be out of his power to free himself from the conviction that he would get more favourable terms in the examination of his ships if he purchased them from the Examining Board, than if he got them from a competing shipbuilder not one of the testing body. If such a proceeding as building ships and examining ships by the same firm would not be tolerated in trade, surely a similar abuse should not be tolerated in education. If a University were to examine only those students who were educated within its walls, then I might have little objection to its both teaching and examining its own pupils, because there would be no room for partiality; but the case is totally different when there is to be a University established which is not only to teach and examine its own pupils, but the pupils of other Universities and Colleges. To show how necessary it is to provide for full impartiality, and how necessary it is, in the words of the right hon. Gentleman the Chancellor of the Exchequer, that a University should give its degrees properly, and be withdrawn as far as may be from any disturbing influences that might make it partial or otherwise than strictly fair in conferring degrees, I will give you an instance of the disturbing influence of teaching on freedom of education. In three, at least, of the four Scottish Universities, that are both teaching and examining bodies, lecturers in other Institutions are permitted to send up pupils for examination for University degrees on certain conditions; and you, Sir, and the House would, I am sure, suppose that the conditions should be that the lecturers to be recognised should have proved themselves fit for their work. Not at at all. The condition is that the recognition will depend upon those lecturers keeping up their prices—it is a money condition. The following is the by-law of one of these Universities—

> "The fee for attendance on the lectures of any private teachers, with a view to graduation, shall not be of less amount than that exigible by medical Professors of the University for the same course."—[Aberdeen, 1870.]

In the regulation of another University, it runs thus—

> "Lectures of any private teacher in Edinburgh, Glasgow, or Aberdeen, shall not be reckoned for graduation if the fees for such lectures be of less amount than is charged for the like course of lectures in the Universities of Edinburgh, Glasgow, or Aberdeen."—[St. Andrews, 1870.]

In a third (Edinburgh), it runs thus—

> "The fee for attendance on the lectures of an extra academical teacher in Edinburgh, with a view to graduation, must be of the same amount as that exigible by medical Professors in the University."—[Edinburgh, 1870.]

And now let us see what kind of teaching is carried on in one of these Universities under this system of combining teaching and examining. There cannot be two subjects more distinct in their nature than Natural History and Civil History, or requiring more distinct frames of mind in the Professors; and yet, in one of these Universities, the following is the programme of a course of lectures, given by the same Professor, whose teaching is protected by the money monopoly rule I have just quoted. The heading is "Civil and Natural History—

> "1. The course for next session will comprise Civil History and Anthropology, History of England from the Accession of the Stewart Dynasty. 2. Zoology and Comparative Anatomy—The Anatomical Zoology of the Invertebrata."

The transformation scene of a pantomime does not exceed this—the transition from the History of England to the structure of oysters. There is nothing in trades' combinations to equal this, and the corrupt system of teaching and examining, and of selling certificates, may now find its way into Ireland under the proposed Bill. Next, with regard to the constitution of the Council proposed in the Bill. The Council, as proposed to be elected, would eventually be a Council of Professors either in actual number, or practically so. Four vacancies occurring every year in rotation would be filled up thus—No. 1, named by Her Majesty; No. 2, by the University Council; No. 3, by the Professors of the University; and No. 4, by the Senate. I think it would be safe to conclude that the Professors would certainly always return a Professor in every case; that the Senate, from old attachment to their Professors and from various influences, would as surely return a Professor—that the Queen might, and that the University Council probably would—but supposing there were on each division only two Professors returned, we should then have at least 14 Professors out of 28 on the Council. The other members of the Council would often be occupied with various pursuits, and unable to attend regularly. The Professors would always be on the spot, and the result would certainly be that the Council would be a Council of Professors, and necessarily influenced much by their own interests. A certain proportion of Professors would be to any Council of Education a useful ingredient; but if they were to become paramount, they would be mischievous. I remember an occasion when I was engaged in the consideration of an educational reform, and the cry always was—"Whatever you do, take care of the poor Professors." I entertain very great objection to making the Lord Lieutenant of Ireland Chancellor of the new University during the tenure of his office as Lord Lieutenant. I consider it an indignity little short of insult to do it, and that, if done, it will destroy the independence of science; and the conviction will be that the only way to University distinctions and emoluments under such Chancellorship, will be up the back stairs of the Castle. I will say no more about it at present—should the Bill go into Committee I will have more to say on this part of the Bill. There is no security whatever in the Bill for fair representation of the religious persuasions on the Council. The members may be all Catholics, or Protestants, or Presbyterians. The probability—nay, almost the certainty—will be, that for many years to come, one half the members of the Council will not be Catholic, and that even that minority will be at length weeded out. There should be some safeguard on this point. Perhaps we may be told that we may rely on the good intentions of Government. Let us try this by the test of what occurred in the Queen's Colleges. In 1845, on the formation of the Queen's Colleges, the Roman Catholic Bishops presented a memorial to the Government, praying that a fair proportion of the Professors and other office-bearers in the new Colleges should be members of the Roman Catholic Church. Sir James Graham stated, in reply, that he could not assent to legislation on the subject; but admitted that the demand was reasonable, and gave a Parliamentary or Ministerial assurance that it should be practically carried out, and then went on to say—

> "Beyond a doubt, on the part of many of the Professors, an adherence to the Roman Catholic faith would be an additional recommendation—one, too, which I have as little doubt would not be overlooked in the exercise of the prerogative of the Crown, acting under responsible advisers."—[3 *Hansard*, lxxx. 1149.]

The Professors now number 60 in the three Queen's Colleges, and how many Catholic Professors in the whole of the three Colleges, including Arts and Professional education?—only 9. There are in the whole Arts' course in the three Colleges only two Catholics, and in the Belfast College not one Catholic. This is called mixed education; and are we now, as we did in 1845, to rely on merely Parliamentary assurance that the respective proportions of Catholics and Protestants would be taken into account? I often remonstrated against this weeding out of Roman Catholics, but was met by the assurance that it could not be avoided, as the most competent person was always appointed, and the most competent person happened to be—of course, by accident—nearly always a Protestant. But when a number of competent candidates present themselves there is no mode of determining who is the most competent, unless by competitive examination, and there is none for these Professorships as there is for Fellowships in Trinity College. Testimonials cannot decide it. It should have been quite sufficient for the Government of the day to have a list of competent persons before it, and then choose among them—bearing in mind the pledges of the Government in 1845. Instead of adopting this course, the lesson taught the Irish Bishops and Catholic people has been that Sir James Graham's pledge on the part of the Government and of this House has been continuously broken during a period of 30 years, and that no reliance can be placed on similar assurances now. Another great and continued breach of faith for the same period has been in regard to the mode of appointment of the Professors and office-bearers of these Colleges. It was promised, on the foundation of these Colleges, that the appointment of Professors in these three Colleges would be only held by the Lord Lieutenant until the Senate of the Queen's University was ready to take up the task. That promise has never been redeemed; and now, at the end of nearly 30 years after that solemn promise was given, there is seen in Ireland what is not seen in any other — even the most despotic— country in Europe, that Professors, 60 in number, of Arts and Sciences are the mere nominees of a Viceroy. Surely this is a state of things not to be endured. The Queen's University is supposed by many Members of this House to be intimately connected with the Queen's Colleges. It is not so. The Queen's University knows nothing whatever of any proceedings in the Colleges. It has no control over them. It knows nothing whatever of the appointments of the Professors, of the manner in which they discharge their duties, of the examinations of the pupils; and if a member of the Senate of the Queen's University sees even the Annual Report of the Colleges, it is only by the courtesy of the Presidents or Secretaries of the Colleges. The Bill before us touches none of these abuses—it only deals with the question of the Queen's Colleges so far as to shut up one of them, the Galway College. I cannot be a party to that. If there is to be a closure on principle, let the closing of the three be discussed; but do not shut up the one that is most needed. Before quitting the subject of the Queen's Colleges, I must make a few short observations in reply to some observations of the right hon. Gentleman the Chancellor of the Exchequer on the Queen's Colleges. After indulging in general disparaging observations, he quoted from the Report of the Royal

Commission that sat in 1857 to inquire into the state of the Colleges some strictures, culminating in the astonishing announcement that students were admitted to matriculation "almost utterly ignorant of Greek." He appears to have forgotten that at the present hour in the London University, of which the right hon. Gentleman is a distinguished member of the Senate, a student may not only be "almost utterly ignorant of Greek," but entirely and utterly ignorant of Greek, for its study is only optional. He then goes on to observe—

> "I should like also to know what the Governing Bodies of the Colleges are about that such a state of things should be allowed. I go no further than this—that they show that the state of these Colleges is not satisfactory, nor one which we ought to acquiesce in as a permanent state of things."

All these disparaging observations in Thursday night's debate were based on a Report of the Commission of 1857, quoted by him in the debate of that night; but what occurred in 1867, ten years afterwards, when the Senate of the Queen's University attempted to take matriculation into its own hands and to enlarge the sphere of usefulness of the Queen's University, to make it a national University, instead of what it is—a University not allowed to examine any but the students of the three Queen's Colleges. The censures of last Thursday night were founded on the Report of 1857; but 10 years after the date of that Report, when the right hon. Gentleman the Chancellor of the Exchequer had an additional 10 years' experience of the working of the Colleges, how did he speak of them? These are his words, speaking of the Queen's Colleges—

> "Denounced by the Roman Catholic Church with all its terrors and all its thunders, opposed in every manner possible, denounced, too, by many well-meaning persons in this country as Godless Colleges, they have gradually and steadily increased; and before the mischievous interference of the late Government, they were attended by 837 students. When you remember that they possess hardly any endowments, and that Oxford, with all its endowments, has only 1,200 students, when, too, you remember the obstacles they have had to encounter, I am perfectly warranted in saying that they have proved successful."—[3 *Hansard*, clxxxvii. 1452.]

Now, Sir, let me ask the House to look on this picture and on that. But suppose all these defects I have observed upon removed, there still remains the intolerable injury that will be felt deeply and more deeply every day—that while Trinity College is left in possession of at least £50,000 a-year, wrung by oppression and confiscation from the Catholics; while Royal and endowed schools are scattered through the length and breadth of the land all devoted exclusively to Protestants; Catholic Colleges and Catholic schools derive nothing from the State. Sir, the House sanctioned—and indeed, well it might, for the money did not come out of the Consolidated Fund—a commutation grant of £700,000 to the Presbyterian Church, including *Regium Donum* and College—and to Maynooth College £372,000. Sir, I have heard, over and over again, the objection raised to giving any grant for a Catholic College under this Bill, that the House never can sanction denominational grants; but surely, Sir, these grants have been made to denominational bodies, to Colleges purely for the clergy of the two denominations Catholic and Presbyterian. Is it fair not to give the Catholic laity for their University education a similar grant? Let a similar act of justice be done for them as has been done for the clergy. Let them have a fair start in this new educational competition. If they then fail in the competition for degrees, emoluments, and honours, they will not be able to say they have not had fair play; but if they fail under the proposed Bill, which leaves thousands on thousands with Protestant and Presbyterian Colleges, and gives nothing to them, they will attribute their failure to injustice; and every rejection of a Catholic candidate that will occur will be a never failing repetition of heart-burning, sectarian discord, and disaffection in Ireland. I trust the Prime Minister, when he ponders over these things, will introduce large Amendments into the Bill. I know no Minister that ever lived that has done more for Ireland; and I will, with the hope of seeing the Bill become what I think it ought to be, support the Prime Minister in voting for its second reading.

MR. BLENNERHASSETT—Sir: If I venture to claim for a few minutes that indulgence which the House usually extends to a young Member who has not had the advantage of experience in addressing it, I do so only because I believe that there are some circumstances which place me in a favourable position when I attempt to approach the question of University education in Ireland in a practical spirit. Actual residence for a considerable period, and at no distant date within the walls of Trinity College, Dublin, has made me familiar with the teaching and academic life of that institution, and enables me to compare the great Irish University in many of her most essential features with her older and still more famous sister, my own University of Oxford. An Irish Protestant myself, I believe I am able, at least, in some degree, to enter into the feelings with which those of my own creed regard this question; while, at the same time, it has been my special study and desire to make myself acquainted with the opinions of my Roman Catholic fellow-countrymen on a matter of such deep interest to them. I do not intend, however, to discuss this question from the special point of view either of the friends of Trinity College, or of the Irish Protestants, or of the Irish Catholics. These interests have been far too ably represented in this debate to leave them in need of any feeble advocacy from me. I desire, rather, if the House will permit me as one who, with some actual experience of University life, has endeavoured to think out this matter for himself, to state very briefly the conclusions to which I have come as to the probable influence of the measure before us on the interests of learning in Ireland. I may sincerely say that I did not approach the consideration of this Bill in any fault-finding spirit or with any desire to discover reasons for opposing it; on the contrary, I anxiously sought to find in it the solution of a vexed and difficult question, and one which it is most desirable to set at rest. Neither do I under-estimate the difficulty of legislating on this subject; I believe, indeed, it may well be said, how well the events of the last couple of weeks have shown to any statesman who has the courage, aye, I will say, who has the generosity and the unselfishness to devote himself to the task—

> "Incedis per ignes
> "Cineri suppositos doloso."

I did not, therefore, expect a faultless Bill, much less did I expect a Bill which would satisfy everyone, for I know well that a faultless Bill, if such were possible, would assuredly fail to do that. I confess, however, that I did hope for the introduction of a measure which would be fairly adequate to meet the special circumstances that render legislation on the subject desirable, and which would tend to foster and encourage higher education in Ireland. In this hope I have been disappointed, and therefore with profound regret I feel it to be my duty to oppose the measure which Her Majesty's Ministers have introduced. My opposition to this Bill is based, if I may so speak, on its positive and on its negative character. I object to it because of what it proposes to do, and because of what it does not propose to do. In the first place, I cannot regard this measure as a final or a satisfactory settlement of the question, because it utterly fails to accomplish the primary object for which it was intended—that is, to give the Irish Roman Catholics equal advantages as regards University education with their Protestant countrymen. It is a fact which has been conclusively demonstrated that the vast majority of that body are strongly opposed to any system of University education which separates teaching in religion and morals from the other branches of learning. They regard such a system as dangerous to faith and morals, and they cannot accept it without offence to their consciences. Whether they are right or wrong in holding this opinion would not, I apprehend, be a profitable question to discuss in this House, and it is quite beside the point which I desire to raise. It is sufficient for my purpose to know what the repeated public declarations of the hierarchy and laity place beyond question, that this is the state of mind which generally prevails among the Irish Catholics. Now it is to satisfy these Catholics that this Bill is specially intended. The Irish Protestants — at least, so far as regards themselves—do not want any Bill at all; they have long enjoyed peculiar advantages, and all they wish is to be let alone. The friends of the mixed system have no cause of complaint, their wants are amply supplied by the three Queen's Colleges. The right hon. Gentleman at the head of the Government, however, thinks—and I entirely agree with him in his opinion—that the great body of Irish Roman Catholics do not occupy a just or satisfactory position in relation to

University education, and he proposes, as a continuation of his Irish policy, to remedy this grievance. One of the main features of that policy has been to introduce the great principle of religious equality into Ireland, and educational equality, if I may use the term, has come to be regarded as a natural and necessary consequence of the disestablishment of the Irish Church. The Roman Catholics well know the logical strength of their position when they claim a settlement of the education question on the basis of this principle of equality which has been actually acknowledged by the present Government, and by a majority of this House. Does the measure now before us concede to them those equal educational advantages which they demand? To this question, I submit there can be but one possible answer—it does not. What does this Bill really propose to do for the Irish Catholics? It offers them—if they do not, as we know they will not, abandon the principle for which, from the first, they have steadily and persistently contended—namely, that religion should be a part of the daily teaching of Catholic students—it offers them, I say, if they do not abandon this principle, what by a curious euphuism has been called "freedom to compete," it offers them this and nothing more; that is to say, the Catholic University or any other Catholic College, poor and unendowed, without ancient fame or intellectual prestige, and without any powerful Professorial staff, is given freedom to compete with the wealthy and famous foundation of Trinity College, and with the State-endowed Colleges of Belfast and Cork. This freedom to compete is offered, as if in irony, to the Catholics as a concession of educational equality. Can they accept it as such? Can any Member of this House expect them to be so blind as not to see the hollowness of the pretext and the worthlessness of the gift? The only freedom to compete which bears any true relation to equality is freedom to compete on equal terms. This is what the Irish Catholics ask for, freedom to contend in the intellectual arena with equal advantages and equal opportunities, and without offence to their conscientious scruples. This equality the measure before the House does not concede to them, and therefore they will not accept it as a settlement of the question. Therefore, Sir, I oppose this Bill because it does not satisfy what I believe to be the just demands of those for whom it was intended; because it is a feeble and ignoble compromise which pleases no one; and because instead of being, what such a measure ought to be, a final settlement of the question, it will only prepare the way for a renewed and vigorous agitation. I have no doubt at all that if this measure passes into law it will be followed at once by a fresh agitation of the Roman Catholic party in Ireland for that equality which is now withheld from them, an agitation which may keep that country in hot water for years, and which can only end in one of two ways—either in the ultimate endowment of a Catholic College under circumstances, as regards existing institutions, much less favourable to learning than the present, or else in the final withdrawal of all endowments, and the virtual abolition of University education in Ireland. I also object to this Bill, because, as regards Trinity College, it interferes for evil, and it does not interfere for good. While it contains provisions which must materially diminish the usefulness of that institution, it makes no attempt whatever to remedy those abuses which are the most serious obstacle to the progress of learning within its walls. This is an omission which may, perhaps, be excused on grounds of expediency in the Bill of a private Member; but it is, in my opinion, a very grave defect in a great Government scheme of University education for Ireland. I shall merely glance, in passing, at two or three of these abuses. There is first the system under which the Fellows of Trinity College—of whom personally I desire to speak with the utmost respect—are elected, and after one great effort are allowed to progress upwards by seniority alone to the highest places in the College. In this way an enormous amount of public money is absorbed by men who have scarcely a single inducement to active exertion in College work, or to undertake those original researches on which the progress of science depends, and which it is one of the chief uses of rich endowments to promote. We have all heard of "the silent sister." Then there is the system which allows Professors to enjoy large salaries, and to relegate all the duties of their Chairs to substitutes who receive one-sixth or one-seventh part of the Professorial incomes. I believe there is one distinguished ex-Fellow of Trinity —I do not know whether he is the same distinguished ex-Fellow who, we have been told, greatly admires this Bill— who enjoys a Professorial income of about £700 per annum, and transfers all his official duties to a substitute at £100 per annum. Another great evil is the anomalous system under which the Fellows of Trinity are their own employers and their own *employés*, having the power of electing one another to valuable appointments, and of assigning to themselves their own duties. To remedy these and other most serious evils, this great Government measure does not contain a single provision; but if we are sufficiently hopeful, or rather credulous, we may comfort ourselves with the suggestion thrown out by the Prime Minister, that those who enjoy all the advantages of the existing state of things will spontaneously undertake to reform it at their own cost. I have now stated some of the grounds, political and academic, on which I object to this Bill, because of what it fails to do; but I dislike it not only for the good it will do, but also—and this mainly on academic grounds—for the evil which I believe it will do. I am convinced that the effect of the measure will be to lower and degrade University education in Ireland, and I believe I can show that there are several ways by which it must lead to this result. In the first place, it will diminish the value of an Irish University degree. In what estimation, do you think, will men of learning hold the degree of a University from which some of the noblest studies upon which the human mind can exercise itself are practically excluded? Every Irish student of pluck and energy, whose circumstances enable him to do so, will seek in England or elsewhere those genuine academic distinctions which are no longer to be won in his own country. This measure will also cause a great decrease in the number of students who come under the influences of College life, influences which many great men have esteemed at a far higher value than mere learning. Trinity College though in a better position than any of the other Colleges, yet weakened in power, in influence, and in revenue, must lose a large proportion of students, and will exist only with impaired powers and diminished usefulness. The Catholic College or University in Stephen's Green can hardly continue to exist at all. Her hope of support and progress depends on the attendance of a large body of students, and how can this attendance be expected by a poor and unendowed College when the honours and emoluments of the new University are open to students attached to no College at all, and permitted to reside wherever they please. In fact, the practical operation of the Bill will be to divide most of the young men in Ireland who seek a University degree into two classes, neither of which will enjoy the benefits of academic life and training. One class, composed chiefly of those who are considered cleverer than their fellows, will enter no College at all. They will come up to Dublin, live in the city, subject in many instances to the corrupt and dangerous influences of a large town, and there they will enter upon a kind of study, the most mischievous and contemptible which it is possible to conceive. That is to say, they will cram, or grind or coach, whatever you may like to call it, for the purpose of competing for the various petty emoluments attached to the University. They will read nothing but what pays for this immediate object, and they will read that only in the way that pays best. I need not tell the House that the kind of reading which pays best under such circumstances is not the careful and conscientious study which produces sound scholars and educated useful men. An hon. Member, who spoke on a previous evening anticipated this objection and denied its force. Every Member of the House, he said, who is a University man has had recourse to private tuition at some period of his University career. This may be so; but every Member of this House who knows anything of University life and work will recognize at once the enormous difference between a systematic course of academic study, supplemented by the occasional assistance of a private tutor, and the desultory and unmitigated cram which this measure will tend directly to encourage. I confess I do heartily dislike the growing system of bribing men to do their work by leading them into feverish and unhealthy competition for small pecuniary rewards. I dislike the system in England, but I dread it much more in Ireland, where its bad effects are intensified by the character of the people, and by the poverty of the country. It may be all very well to give a schoolboy his prize before he goes home for the holidays; but a University student should be treated more like a man. He should be taught to pursue knowledge, as they do pursue it at the German Universities, as a serious preparation for his work in the world, or better still, he should learn to seek it and love it for its own rich and sweet reward. The other class of students to which I alluded will be made up of youths attending various seminaries or schools in the provinces. The students of the Catholic University have foreseen and protested against this danger. These provincial schools are, no doubt, very excellent and useful in their way; but they can never become, in any sense, an adequate substitute to the Catholic youth of Ireland for the great central College or University which they desire to possess. This is a measure which is disliked by Irish Protestants, because it must greatly injure University education for them. It is also disliked by Irish Catholics, because it ignores their conscientious convictions and does not give them that educational equality which they believe to be their right. How comes it to pass then that this Irish measure, which pleases nobody in Ireland, has a chance of being accepted by Parliament? The answer to this question is not far to seek. Because—whether rightly or wrongly I shall not stay to inquire—it is supposed to be in harmony with the feeling which exists in England and in Scotland in favour of united education. The precise strength of that feeling, either in Parliament or in the country it is difficult to estimate; but when you add to it the undoubtedly strong feeling which prevails against even the appearance of showing favour to the Church of Rome, you get the force to which, if it pass at all, this measure will owe its existence. I shall not attempt to discuss the relative merits of the united and denominational systems. The cry of united education has been taken up by a section of the Liberal party in England. Let me remind Liberals who adopt that cry as part of their Liberal creed, that united education when it is free, when it is voluntary, when it is a liberation of the conscience, is one thing; but that united education when it is not free, when it is imposed on an unwilling people, when it is a coercion of the conscience, is quite another thing. One word more before I sit down. Those who advocate united education are bound, at least, to ask themselves what price they are willing to pay for it. An object may be very beautiful and precious, but yet it may not be worth the price that, under certain circumstances, is demanded for it. What, then, is the price you will have to pay if you re-construct the Irish University system so as to establish one common University adapted to the exigencies of mixed education. The price is an enormous one. It is nothing less than the practical exclusion from the University *curriculum* of every subject upon which Roman Catholic and Protestant teaching cannot meet. In other words, you will have to sacrifice altogether some of the noblest and most essential elements of culture, and to limit and circumscribe almost every branch of study. This question, in its widest aspect, is no party question—no religious question. Irish Protestants and Irish Catholics alike have a vital interest in opposing the mutilation of University education and the degradation of learning in their country. Protestants and Catholics, Liberals and Conservatives, all to whom the progress of culture is dear, all by whom the freedom of the intellect is valued, may well unite on common ground to oppose the illiberal and anti-academic measure which is the strange and unnatural production of a Liberal Ministry largely composed of Oxford first-class men. I am afraid that I have trespassed too long upon the time of the House. I am grateful for the patience with which I have been heard. I could not keep silence on this question, for I believe that the decision of the House upon it will not lightly influence the future of my country. The fate of science, and scholarship, and all true academic culture in Ireland, is now in the hands of Parliament. If Parliament accepts this measure, I am convinced that it will aim a fatal blow at them; that it will help to accomplish in Ireland "the worst of all massacres—that which slays the mind of a country."

Mr. G. BENTINCK said, this Bill had been so vigorously belaboured that he felt he should be only wasting the time of the House if he were to direct any efforts of his own in favour of the objections to the measure. He would simply confine himself to one or two points which must be considered before the House went to a division upon the second reading. He regretted that he could not concur with the arguments advanced by his hon. Friend (Mr. Bourke) in support of his Amendment; but he was glad, from the tone of his hon. Friend's speech, to find that the Motion was not brought forward in a party spirit, for this was not a question of party tactics or party warfare. His hon. Friend asked the Government to lay on the Table of the House the names of the Governing Body of the new University, and he intimated that if the names were given the Bill might be so remodelled in Committee as to become a useful measure. He, for one, could not take that view. His firm conviction was that neither peace or happiness, truth or justice, religion or piety could not be established in Ireland by any measure which Her Majesty's present Government could concoct. On what did his hon. Friend found his confidence in the Government? Was it because of the sudden conversion of which they heard the other night, and which resulted in the Irish Church Bill? Was it because of the Bill which deprived Irish landowners of their just rights. Whatever the cause, he certainly did not share his hon. Friend's confidence. The hon. Member for Westmeath (Mr. P. J. Smyth) by his Amendment asked them to take a far better course, and that was to reject the Bill. He had listened with great satisfaction to the observations which had been made by the hon. and learned Member for Oxford (Mr. Harcourt) with regard to coalitions. No one abhorred those coalitions more than he (Mr. Bentinck) did, and since he had sat in that House he had never given a vote against his convictions for the sake of party, and as long as he should have a seat in that House he never would. A few days ago he was under an impression that there might be a renewal of those coalitions on the present occasion, and that men of totally different principles would again be found to go into the same lobby for political and party purposes, irrespective of the merits of the measure under consideration. Now, did he believe that there was any covert understanding between the front Opposition bench and gentlemen below the gangway on the other side of the House, he, for one, would not lend his support to any such arrangement. He had listened with the greatest pleasure the other evening to the eloquent speech of the right hon. Member for Oxford University (Mr. G. Hardy), and he hoped he might draw from the speech of that right hon. Gentleman the conclusion that he and those prepared to act with him would not at any time, or under any circumstances, accept office during the continuance of the present Parliament. If he understood the right hon. Gentleman aright, he should say that that was the most fortunate and most statesmanlike announcement that had for a long time emanated from that bench, and he congratulated his right hon. Friend upon being the man who came forward boldly to make that announcement, which seemed to augur well for his future political career. If he (Mr. Bentinck) rightly construed that speech he should not hesitate as to his vote, and should vote against the second reading of the Bill. He wished his right hon. Friend had gone a step further and declared that he never would condescend to take office while he was in a minority in that House. The Liberal party seemed to be like a very disorderly family, which for some reason had quarrelled with its head, and which had come out of doors to ask other people to take part in the quarrel, and it seemed possible that we should lose that strong Government which had for four or five years governed this country in a manner so dictatorial. Of the Bill it was hardly necessary that he should say anything—it had been so universally condemned. It was a measure which could never benefit Ireland. A great deal, it was true, had been said of Irish grievances for the last 40 or 50 years; but his own opinion was that those grievances had been invented or suggested by political agitators. The mode of governing Ireland for a long time had been to discourage the loyal portion of the population and to encourage the seditious. The country for the most part had been either badly governed or not governed at all, and a state of things so disastrous would, he believed, only cease when political intrigue and tergiversation were scouted throughout the length and breadth of the land, and when the destinies of England were confided to men who combined the talents of the statesman with the aspirations of the patriot.

Mr. MIALL said, he had listened to the speech of the hon. Gentleman (Mr. Bentinck) in the hope that he might have seized upon some topic in that address to comment upon or to controvert; but, as regarded any reason why this Bill should be passed or rejected, he had failed to obtain the slightest clue in the speech of the hon. Gentleman. He should speak from the Nonconformist point of view, though he did not mean to say that he should take the responsibility, from which he should shrink, of authoritatively setting forth the opinions and sentiments of the Nonconformist body. He did not like to take a sectional view of any subject that came before the House, and he would endeavour to look at this subject from a point of view from which probably a considerable number of Members looked upon it also. From some expressions which had been let fall on this and the previous night's debate, he did not know whether he was bound to vindicate his right as a Nonconformist to have an opinion on a matter of this kind. He did not think it was a patriotic course to map out this country into geographical sections, and to say that an hon. Member was bound to confine himself to the representation of his own section rather than of opinions and principles. He refused to allow any such restrictions on his liberty. He regarded himself as having been sent to that House, Nonconformist though he was, not to give Nonconformist votes, but to join in the general councils of the nation in reference to all the great national questions which might come before it. He refused, therefore, to be bound by any geographical restrictions. There, at least, they ought not to be reduced to the principle of Home Rule. He should like to say one word or two to Roman Catholics, on his title to give free and disinterested opinions upon this topic. He and those who agreed with him had, whatever might have been the popular prejudices and obloquy to which they exposed themselves, always claimed on behalf of their Roman Catholic fellow-subjects exactly the same rights as they claimed for themselves. They had stood by the Roman Catholics in every encounter with mere bigotry and prejudice, and there was scarcely an instance which had come before the House during the last 40 years, in which the Roman Catholics had demanded rights for which they had a full justification, where they had not received the support of the Nonconformists. They had never deviated, and would not deviate, from the path marked out for them by the principle of equality. The right hon. Gentleman at the head of the Government had been charged, as he (Mr. Miall) thought, improperly, with creating the difficulty with which they had to deal. The right hon. Gentleman did not stand alone in recognizing a grievance on the part of the Roman Catholic population in regard to the matter of University education. Both sides of the House must take their share of blame—if blame there were—for endeavouring to allay by means of concession a troublesome agitation on a question peculiarly difficult of satisfactory settlement. The right hon. Gentleman, in the heat and excitement of a General Election, might have somewhat exaggerated the case which he had to treat, like a doctor who had not yet been called in, and he had subsequently, in his (Mr. Miall's) opinion, misdescribed the grievance with which he felt himself bound to deal. Neither the right hon. Gentleman nor the Government that had preceded him could be said to have given rise to the question now demanding a settlement. That had resulted from the state of feeling that pervaded the Irish population, and that state of feeling was the legacy bequeathed to them by an exclusive and monstrous ecclesiastical system which had produced on the minds of the people a sense of grievance and of trespass upon their individual rights. Trinity College, Dublin, itself was not free from adverse criticism. No doubt it had been more liberal in its administration and in conferring degrees for many years than any other University; but, like the priest in the story, it had been more ready to dispense its blessings than to give its pence. Up to the present time it had kept its Fellowships, exhibitions, and emoluments to itself; and, although since the disestablishment of the Irish Church it had offered to open its prizes to the general public, yet it had served to keep up the state of feeling which had rendered the present measure necessary. If the Bill of the hon. Member for Brighton (Mr. Fawcett) had been presented to the House 10 years ago; if it had been endorsed by the authorities of Trinity College, accepted by Parliament, and supported by the votes of hon. Gentlemen opposite, and put upon the Statute Book, they would never have heard of the necessity for the present measure; or if it had come before them, they would have been able to deal with it in the most summary manner. They had, however, sown the wind, and they were now reaping the whirlwind. They had maintained a Church in ascendancy which was not in harmony with the views of the majority of the people, and now they had no right to find fault if they were threatened with the natural ascendancy of the religion of that majority. This was a question of immense importance to the interests of Ireland, and it excited so much feeling that it was very desirable that it should be settled. When he looked at the Bill, he found in it certain great principles, which, in his opinion, justified him in giving his vote for the second reading. One was the principle that all parties should have equal access to the means which were provided by the State for the advancement of learning. The Government had done in Ireland with regard to University education what the Nonconformists were asking should be done in England with regard to elementary education. It separated the teaching of religion from the teaching of secular knowledge. They had asserted that principle as the only one which harmonized with religious equality. The Government was not appointed to teach religion—it was unfit for it; and it could not do so without trampling on the rights of others. The principle which he advocated was that the instruction given by the State should be simply secular. On that ground, he should support the second reading of the Bill. Under the Bill, freedom of access to University education would be given to all religious classes of Her Majesty's subjects without distinction, and religious tests of all kinds would be abolished. There were, of course, many of the provisions of the Bill to which he objected; but, still, he had not the smallest doubt that the object the Prime Minister had in view was to do justice to all parties. He was afraid that an excessive anxiety to consult all the petty scruples of the various sections of society in Ireland had rather misled him in the planning of his machinery. His wish to conciliate all parties had led him to attempt to conciliate what was irreconcilable. He could not agree that it was a grievance which the State could remedy when religious instruction could not be combined with ordinary teaching. The State offered all it could give. If it offered to give more, it would do that which was insincere, and that which would be pernicious in its results. The State could give secular instruction to all parties without doing injustice to any. The State could not give religious instruction without doing injustice to some. The claims of the Irish Roman Catholic Prelates were mediæval in their character. They were not at all in harmony with the spirit of the age; and neither House of Parliament nor any Administration would venture to support them for a moment. He did not know what the Roman Catholic hierarchy might have in view in putting forward their claims so very plainly; but he did know that that House would never consent to do that which would place the education of the Roman Catholic laity in their hands. What was wanted was that the Ministry should put before the people of Ireland an institution for their intellectual advantage, which should be founded exclusively upon academical principles. The Roman Catholic hierarchy might have great influence in Ireland, and might be able to raise a commotion; but the British Parliament did not meet to legislate on a hand-to-mouth policy, which simply regulated itself by the ordinary fashions of the day. What they had to do was to offer to the Irish people real freedom with regard to education, to teach everything, to endow, and if they liked richly endow the Chairs of the Professors, to distribute their exhibitions impartially among all classes, and, in fact, proceed as if there were no ecclesiastical differences in Ireland at all. The scheme which the Government had propounded was on the surface free education, although the machinery meant to carry it into effect was defective, and he wished to state distinctly, unless an alteration was made in the composition of the Governing Body as now proposed he could not vote for the third reading of the Bill. To hold that the Bill should be withdrawn because the Roman Catholic hierarchy did not approve of it seemed to be unworthy of the position of the House. The important matter was to improve the intellectual culture of the Irish people, and he felt convinced that while that might not be done immediately it would succeed in the end. He believed that the Irish people were earnestly desirous of improving their educational means; and therefore he would say—"Trust them; do right; do all you believe you can do; do not attempt anything beyond your power; and, especially, do not think you can reconcile the irreconcilable." Let them give to the Irish people a real boon, and, if possible, let the institution to be placed in Dublin be such that hereafter Irishmen might regard it with as much pride as the English felt for the national Universities of this country.

Lord JOHN MANNERS said, the hon. Gentleman who had just sat down seemed disposed to vote for the second reading, but if the Bill came out of Committee in its present shape the hon. Member would apparently feel it his duty to vote against the third reading. That statement summarised tolerably well the support which the Bill had received during three nights of debate. So far as he had understood, every hon. Member who supported the second reading had given most emphatically some reasons why, unless the Bill was materially altered, he must oppose it on the third reading. He was willing to admit within a limited degree that there was a grievance on the part of the Roman Catholics in Ireland in the matter of higher education which the present or any Government might very properly attempt to remedy, provided the remedy proposed was consistent with the advancement of learning, with respect for conscience, and the maintenance of the united system of education in Ireland. But, in his opinion, the right hon. Gentleman had very greatly exaggerated both the extent and the character of the grievance. It was impossible to forget that during the last quarter of a century, 1,500 Roman Catholics had passed through the Queen's Colleges, while many more had been educated at Trinity College, so that obviously no serious grievance existed in their case, and he must add that of the eight Judges professing the Roman Catholic faith, and now upon the Bench, no less than seven had been honour-men at Trinity College. The President of the Board of Trade the other night denied that any of the young men destined for Holy Orders in the Church of Rome came from the classes which could afford to send their children to the Queen's Colleges or Trinity College; but he heard that assertion with surprise, because information laid before the House showed that it was at the present moment calculated that there were 1,000 young men in Maynooth, Clongowes and other Colleges destined for the Roman Catholic priesthood. [Sir John Esmonde said, this statement was incorrect in reference to Clongowes.] At any rate, there were 1,000 students, and did the right hon. Gentleman mean to say that none of those young men came from those classes which it might be fairly presumed would have supplied candidates for University instruction if they had been destined for other careers? He ventured, therefore, to say that on the point of extent the right hon. Gentleman had very considerably exaggerated the grievance. Now, as to the character of the grievance. The right hon. Gentleman at the head of the Government had given an historical account of the foundation of the Queen's Colleges, and reminded the House of the charges of the godlessness brought against them by the late Sir Robert Inglis. He, like the right hon. Gentleman, took a part in the debate on the foundation of those Colleges. It was perfectly true that when the Bill for the foundation of them was introduced by Sir James Graham, no provision was made for the religious or the moral supervision of the young men to be educated in them. Great exception was taken to that omission, and on the second reading he (Lord John Manners), and not Sir Robert Inglis, moved the rejection of the Bill. On a division they were beaten by a large majority; but majorities in the Lobby did not prove that they were altogether in the wrong. In its progress through Parliament, Amendments were made in the Bill, and in August, 1845, as may be seen by the extract from Archbishop Crolly's speech, quoted in page 10 of the Statement of the Committee of the Queen's University—

> "By the Bill," he said, "as it stands at present, no pupil could be received into any of the new Colleges unless he would lodge with his parents, a relative, a guardian, or in a house

fully licensed by the President of the College, for the very purpose of protecting his morality. Besides, the Bill gives full power to have chaplains of every religious persuasion, duly appointed for the purpose of superintending the moral conduct of the students, and giving them proper moral instruction at such hours as will not interfere with their scientific studies. This being the most important point in the measure, and one to which most objections were urged at the outset, I am determined, as far as I am concerned, to give our provincial Colleges a fair trial."

Archbishop Crolly and Archbishop Murray—two names that could not be mentioned without respect, expressed their satisfaction with it. There was similar language from Archbishop Murray. There was a direct, and vital, and fatal difference between this Bill and the Bill of 1845, and every other measure which he had heard of for remedying the admitted grievance as to higher education in Ireland. The Act of 1845 and the scheme suggested in 1866 respected everything that existed. His lamented Friend Lord Mayo, when he turned his practical and sagacious mind to the subject, never proposed to destroy anything that was in existence. What he did was to supplement existing machinery. But what did this Bill? Where it was not confused and mysterious it was destructive. The fact was, the genius of the right hon. Gentleman at the head of the Government was essentially destructive. Was it a Church to be disendowed, a University or a College to be blotted out, there was no difficulty. It was only when they came to re-construction that hesitation and uncertainty prevailed. But why was unfortunate Ireland to be made the perpetual subject of these destructive experiments? Galway was the first to be destroyed. They now heard that Galway might be respited. This might be so, but respite was not in the Bill. The Queen's University was to be destroyed. The Theological Faculty was to be ousted, not only from Dublin University but from Trinity College. The branches of education of which so much had been said were to be either ostracised or so weighted and handicapped and discouraged and despised as virtually to be thrown out of the future career of the intelligent youths who were seeking higher education in Ireland. Had the right hon. Gentleman at the head of the Government ever visited the West of Ireland? If not, he should spend his Easter holidays in the City of the Tribes, and in that melancholy country he would see that the College alone reared its head there to speak well of the Imperial Government. If the reign of the British Crown came to an end in Ireland, what would be its chief monuments? Irishmen would probably say the medical charities, the Irish Constabulary, Trinity College, the Queen's Colleges, and the Queen's University, and it was with these great educational establishments that the Bill dealt in the destructive manner to which he had referred, and upon that ground he should not give his vote for the second reading of the Bill. The destructive characteristics of the Bill brought to mind the concluding lines of a well-known poem by the great Roman Catholic poet of the last century—

> "Thus at her felt approach and secret might
> Art after art goes out, and all is night;
> See skulking Truth to her old cavern fled,
> Mountains of casuistry heaped o'er her head!
> Philosophy, that leaned on Heaven before,
> Shrinks to her second cause, and is no more.
> Nor public flame nor private dares to shine!
> Nor human spark is left, nor glimpse divine!
> Lo! thy dread empire, Chaos! is restored,
> Light dies before thy uncreating word;
> Thy hand, great Anarch! lets the curtain fall;
> And universal darkness buries all."

This was not a very exaggerated summary of the provisions of the measure as it was introduced; and with what object were they to perform this extraordinary feat of sacrificial legislation? It was introduced to remove the Roman Catholic grievance; but it appeared on undoubted authority that this object had entirely failed. Though it was no longer pretended that the Bill would advance learning or remove the Roman Catholic grievance, they were now told that Parliament was to pass it because the Bill was vital to the existence of the Government. If, however, the Bill was vital to the existence of the Government, he should like to know what was vital to the existence of the Bill? No man could speak to a Roman Catholic audience with such effect as the President of the Board of Trade. They knew him and he knew them; and the right hon. Gentleman, turning to the Roman Catholic Members, said—"Take my advice. Take the Bill. Work it for a short time; and you will find you will get nearly everything you want." When the right hon. Gentleman spoke in that strain, did he mean the Bill as it stood, or the Bill as it might be altered to suit the views of the hon. Member for Brighton (Mr. Fawcett) and the right hon. Member for Liskeard (Mr. Horsman)? But afterwards there came another powerful speech from the hon. Member for the University of Edinburgh (Dr. Lyon Playfair), which called up another Minister, the Chancellor of the Exchequer, who declared almost in his opening sentence that the "gagging" clauses were not of the essence of the Bill. Then there were broad hints that the denominational Colleges need not be affiliated, and that Galway would not be extinguished. He was not quite sure whether he had not even heard that the Lord Lieutenant need not be the Chancellor. When these changes had been made would the President of the Board of Trade then get up and tell the Roman Catholic Members that, after working the Bill a short time, they would get out of it pretty nearly all they wanted? He agreed with the right hon. Gentleman (Mr. Horsman) that the time of the House was being wasted in the further consideration of this question. The right hon. Gentleman, as a candid Friend, advised the Government to withdraw the Bill. He could not venture to offer the Government advice; but he might ask the House to consider what was best for its own dignity and the conduct of the important public business which it had yet to discharge. At any rate, he hoped the House would not suffer one single stone of an existing building now devoted to education to be pulled down, or any money now devoted to that object to be diverted, until they were satisfied that the system to be substituted would subserve the triple end of advancing learning, securing the rights of conscience, and maintaining the existing system of united education in Ireland.

Mr. OSBORNE: Sir, I rise at this late period of the evening to ask what has become of the Amendment of my hon. and learned Friend the Member for King's Lynn (Mr. Bourke) if that Amendment had been in course of discussion by this House, I should not, Sir, have endeavoured so persistently to catch your eye; because, although the Government has cracked its whip up on this occasion, and intends to look upon an adverse vote as a Vote of Censure—crying "Wolf!" a little too often. I think—still, my mind has been made up from the first upon this proposition, for I think the selection of 28 members out of the academic circle in Ireland, to form a Council for this new University, would be next to an impossibility. I am fortified in that opinion by the sentiments expressed by the Senior Fellow of Trinity College, Dublin—Dr. Haughton—who upon a recent occasion, at a public meeting convened by the Senate said he would ask any person there if he could write down the names of 28 men in Ireland, exclusive of Judges, postmasters, and inspectors of constabulary who were fit to sit on the Council? I believe it would be impossible to get 28 such men. And even if you could get them, I believe it would be one of the falsest steps in legislation if they were to be nominated by the general ignorance which prevails in this House of Irishmen and Irish manners. But the debate has assumed much wider proportions, and there seems to be a chance of our discussing this great question of education, not with reference to the interests of Ireland, but simply as a question of party warfare; and we shall find ourselves voting, not for the advancement of learning, but to prolong the existence of a Government. I much regret the declaration made at the commencement of this debate by the First Minister of the Crown, in which he said the measure was vital to the honour and existence of Her Majesty's Government. That was a great mistake. The right hon. Gentleman sees the effect of that mistake, and he may exclaim with Falstaff—"I have led my ragamuffins where they are pepper'd." He may go even further with the quotation, and say—"There's not three of my hundred and fifty left alive." I regret he has placed that issue before us, for the sake, as I have said, of the advancement of learning; and now I will take exception to some of the opening statements of the right hon. Gentleman in introducing this Bill. He was guilty on that occasion not of a misrepresentation, but a misconception, of the history of Dublin University. He told us Queen Elizabeth was not the founder of Dublin University, but that it originated in the year 1311; and, strangest of all, he quoted the renowned Dr. Todd as an authority on the subject. I have taken the trouble to see what Dr. Todd wrote on that subject, and found this passage—

> "It is unnecessary to pursue any further the history of these transactions, since it must be

now sufficiently obvious that the whole story of an endowed University, or any University at all, endowed or not endowed, which was confiscated and destroyed at the suppression of the monasteries, is an absolute fiction. . . . . Queen Elizabeth is the real and only founder of the University of Dublin." — *Irish Ecclesiastical Journal*, October, 1844.

So much for the history of the right hon. Gentleman. This extraordinary error on his part can be explained on the presumption that no Professor of Modern History was at that time allowed in the University. On looking at the authorized version of the speech of the right hon. Gentleman I think he has also made a very grave mistake in his estimate of the property of Trinity College, Dublin. He estimates the total funds of that society at £50,000 a-year, and, of course, when the speech was made the House understood that the £50,000 a-year was so much hard cash received from the property of the College. In the note on page 52 of his speech he explains that he has taken into account the value of the College, Porch, and Buildings and the Provost's House. Surely this is most unfair; and the right hon. Gentleman has added to the falseness of his estimate by omitting to take into account the municipal taxes, amounting to £1,500 a-year. Besides this, he shows a surplus of revenue over the expenditure of Trinity College of £11,600. What are the facts? During 1871, the year on which the estimate was based, the College expenditure in the library and some other public departments was unusually low; for the year ending November 20, 1872, the surplus was only £3,555, and the year 1873 will show a still smaller surplus. So rigidly have the funds of Trinity College to be economized that the authorities are in great trepidation lest, in course of time, if this Bill becomes law, the College should be so crippled as to be unable to carry on the work of education at all. The right hon. Gentleman may smile incredulously; but these criticisms are based on the statement of accounts published by the College authorities. When the First Minister of the Crown talked about legislating for Ireland according to Irish ideas, I regret that he did not first ascertain whether such legislation was practicable, and whether it could be carried through this House. When complaints are made of the exaggerated hopes which have been excited in Ireland, to whom are those hopes due? The right hon. Gentleman speaks of the Irish educational grievance as being "miserable" and "scandalous;" but how does this Bill redress that grievance? It is a pity the right hon. Gentleman, before stirring up this question, had not taken the advice he gave at Liverpool on the 23rd of last December on the subject of Dr. Strauss. The right hon. Gentleman on that occasion said:—"Be slow to stir inquiries which you do not mean particularly to pursue to their proper end." I wish the right hon. Gentleman had been a little more cautious before exciting the hopes of Roman Catholic Bishops and the Roman Catholic laity by this Bill. Prominent among the supporters—I may say the few enthusiastic supporters—of this measure is the hon. and learned Member for Denbighshire (Mr. Osborne Morgan) a Queen's Counsel, who said that the Bill came to us with particular recommendations, the first of which was that it was constructed and compiled by eight first class Oxford men in the Cabinet. I feel very glad that the sister University to which I once belonged has neither a wrangler nor even a wooden spoon connected with this Bill. Why, Sir, you would expect that when men of their standing in the University laid their heads together you would have had a Bill of some merit in an academic point of view. These Oxford men seem to be particularly partial to their progeny, too; I suppose for the same reason that parents have a special affection for their most rickety children. But what are the academic qualities of this Bill? In the first place, the Bill strikes a fatal blow at all knowledge; it prohibits the study of Modern History.

MR. CARDWELL: No.

MR. OSBORNE: I have not used the word "gagged." The word used in the Bill is "prohibit."

MR. CARDWELL: No.

MR. OSBORNE: What! Have the Government again altered the Bill? I say the Bill as we have it ignores Moral and Mental Philosophy, and it sends theology to Coventry. Is this what we were to expect from eight first and double first Oxford men in a Cabinet? Why, Sir, with such a constellation what could you expect? You might, at least, expect common-sense! If you pass this Bill, education is rendered not only incomplete, but valueless; and the University of Dublin, which was sometimes sneered at as "the Silent Sister," becomes at once blind and dumb. There is only one thing which has been effected by this Bill, and that is a thing which, since the Union, has been unknown in Ireland—it has made all parties unanimous. My right hon. Friend the President of the Board of Trade says—"Oh, no! it is only certain parties, not the people of Ireland, who are against the Bill." But where are we to look? Look at the protests of Belfast, Cork, Galway, Trinity College, the University in Stephen's Green—in fact, every College and society of learned men, except that small, private little place in Derry, Magee College. [An hon. MEMBER: And Coleraine.] Yes, and Coleraine. So much for this Bill now under discussion. I lament to say I listened to my right hon. Friend and successor at Liskeard (Mr. Horsman) with some regret. I cannot concur in a great part of his speech. I lament that he ascribed improper and ignoble motives to the right hon. Gentleman at the head of the Government. ["No!"] No? Then I can only say God defend me from my friends if I am to be told that the language of my right hon. Friend was complimentary. I think he was unjust. I may say I never would whisper anything to the detriment of the ability of the right hon. Gentleman, or to the great sacrifices that I think he made in adopting the principles of the Bills on Irish Land and the Irish Church. I will say that not even the eloquence of my right hon. Friend the Member for Liskeard, or all the exertions of all of us, could ever have carried those measures to a favourable issue. I am thankful, therefore, to the right hon. Gentleman at the head of the Government for having come forward in an honourable and distinguished manner and carried these measures. But if my right hon. Friend has been unjust to the First Minister of the Crown, I think he has been very one-sided in his review of mixed education, and I can only account for it in one way—he was once a very distinguished Secretary for Ireland. But it is notorious that he was more fond of the sports of the field than well informed on the educational wants of the country. But the right hon. Gentleman, looking at the matter merely from a Protestant, I should almost say from a Presbyterian point of view. [Mr. BUCKLEY: No, no!] I do not know what the hon. Member is who says "No;" but he looks like a Nonconformist. Well, my right hon. Friend, speaking solely from a Protestant point of view, ignoring altogether the Roman Catholic point of view—and adopting the strain, to some extent, of thanking God that he was not "like that Publican"—says this is merely a priest's question. Sir, I deny it. If the right hon. Gentleman had much knowledge of Ireland, he would have known that you cannot in Ireland separate the priests from the laity. You may lament it, but such is the fact, and we have to deal with the facts of the case. And what does my right hon. Friend say about mixed education? He adduces the evidence of a Catholic Bishop or two as to the multiplication table being necessary to the formation of sound morals in the young. But does my right hon. Friend forget that this system of mixed education has not been opposed by the Roman Catholic clergy alone? He knows that in his time the great trouble caused at the Castle was the opposition of the Protestant clergy. It was they who denounced mixed education in every form. They began it, and now the Roman Catholics continue it. I heard myself a most eloquent sermon from one of the best of the Irish Bishops now no more, and that excellent Prelate denounced from the pulpit the schools of the mixed system as "Devil's schools." And only the other day—namely, in November, 1871, at a meeting about mixed education in the city which I so inadequately represent, a member of the Established Church — a Member of the Disestablished Church [*a laugh*]—well, a member of the Establishment, and not a Roman Catholic ferreted out of a Blue Book, said that—

> "He deprecated allowing our Protestant children to be associated with Roman Catholic children in the schools. Some associations would take place, acquaintanceship would go on to friendship, and that would end in affection, and, after a short time, in marriage."

Let my right hon. Friend take that with him to the electors of Liskeard. I have no doubt he will very soon be there. Now, it seems ridiculous, but these are the sentiments preached for the last 20 years by the Protestant clergy with respect to mixed education. Therefore, let not this House be carried away by the representations of the right hon.

Gentleman and believe that it is the Roman Catholic Bishops and clergy alone who denounce the system. Unfortunately, the clergy of both denominations denounce it; but I do not know that we owe education to any clergy. According to my reading of Modern History—which as long as I may be here I trust I may be able to quote in this House, even if the Bill passes—the clergy of most denominations have never been very favourable to the education of the people. Now, something has been said about the success of the Galway College, and an hon. Gentleman whom I heard for the first time in this House, the Member for Londonderry (Mr. C. E. Lewis), who, though a young Member, is evidently an old practitioner, talked of the "comparative success" of the Queen's Colleges. Well, we have had great regrets over this Galway College, which, if it had its deserts, would be immediately extinguished, along with Cork College. The College of Belfast is denominational altogether. But what is the real history of this Galway College? Why, the real history is this—that the Galway College is no College at all; it is a preparatory school for young gentlemen, who come to it most imperfectly educated, and leave it not much better. Let me give the House the history of some recent transactions in this College. I am not going into any comparison as to the cost to the country of educating a man there, whether it is £300 or not. This is a subject which goes beyond the question of cost. If you get an educated man in Ireland he is cheap at any price. But at a public meeting of the Queen's University, held in Dublin Castle, on October 10, 1872, where they are apt to glorify themselves on their acquirements—the Chancellor of the University, the Marquess of Kildare, being well primed for the occasion, called particular attention to the distinguished success of certain gentlemen—I will not mention names—a Master of Arts, a gold medallist, who gained second place at the East India Civil Service competition, and another gold medallist who gained a studentship of Inns of Court, London. And this was such a remarkable success that the President of the College in his late report said that Mr. So-and-So got the first place in an examination for Ceylon writerships against 51 competitors from leading Universities. Now, what was the real state of the case? The gentleman who got it was twice plucked from the Civil Service, India; he went after to a "crammer" and got the Ceylon writership. The first Peel Exhibitioner in 1869-70, as well as gold medallist in 1870, in 1871 went up for Civil Service competition. He was plucked. He then studied afresh at a grinding establishment in Bayswater—if any hon. Member doubts it I will give him the card—and gained second place at the East India Civil Service Examination. Another gentleman also, an M.A. and gold medallist in Law at the Queen's University, was plucked for a studentship in 1871. What did he do, after all the education he had received at the College, which the hon. and learned Gentleman the Member for Oxford (Mr. Harcourt) called "the light" of Galway? He went into a lawyer's office in Lincoln's-Inn, and after grinding for a single year he obtained a studentship of the Inns of Court in 1872. These are specimens of the education given in Galway College, that light of learning. Sir, I believe Cork is not much better. I believe Galway is the best of the three. The fact is, we have begun at the wrong end—we have put the cart before the horse. It is not Colleges, but intermediate schools they want in Ireland. It is absurd to call these places Colleges. The Irish people are very ambitious. Every little shebeen in that country calls itself an hotel; and, on the same principle, they call the preparatory school a College. Talk of Colleges, why only the other day you find there was a jury in the county of Clare of which four jurymen could not speak English, and the foreman could not write his name. And for these people you are founding Colleges and not schools. What does Professor Cairnes, Professor of Jurisprudence and Political Economy in Queen's College, Galway, say in his letter to Mr. John Stuart Mill. He says this—

> "All who have had any acquaintance with the working of the Queen's Colleges know the wretched state of preparation in which, owing to the want of good intermediate schools in that country, the great majority of the candidates for matriculation now present themselves. The chief sufferers are the Professors, on whom falls, in addition to their proper duties, the work which ought to have been performed by the schoolmaster."

We should be doing our duty better to the people of England and Ireland—for

I maintain you cannot separate the two—if we gave our attention first of all to the establishment of good intermediate schools. What says the Petition from Limerick City which I hold in my hand. It is signed not only by Roman Catholic Bishops and clergy, but by Protestant gentlemen; and what they call for is not an increase of Colleges, but an increase of good intermediate schools. I heard with pleasure the speech to-night of the right hon. and learned Gentleman the Member for the University of Dublin (Dr. Ball)—one of the most liberal and distinguished speeches I ever heard from any side by Churchman, Nonconformist, or Roman Catholic. He asked, "Why are we placed in this dilemma?" "Because," he said, "we have to redeem the pledge of the right hon. Gentleman at the head of the Government, given in that unfortunate electioneering tour he took in Lancashire." The right hon. Gentleman having again burnt his fingers, is by this incendiary Bill about to make a holocaust of his party. Sir, I have always lamented—with the hon. Member for Norfolk (Mr. G. Bentinck), who has confidence in no one—that Ireland is incessantly the battle-field of party. I lament it in this instance. I cannot help thinking that the sins of the Leader of the Opposition have now descended on the head of the Ministers in office. I know I touch an unpopular topic; but I regret we did not accept the great scheme of "levelling up." I know the universal shout that will arise on this side of the House among some of my most Liberal friends; but I repeat that I have always lamented the rejection of the proposal. The chance went by. What is the consequence? I have heard, in the course of two speeches made in support of the Bill—one by the hon. Member for Dublin (Mr. Pim)—I do not know which is the senior of the two; it is a matter very difficult to find out—but what does the elder of these twins say? Why, he said he had no doubt in his own mind that if Ireland possessed a Parliament of her own, even though it was mainly Protestant—[Mr. Pim: All Protestant]—well, if it were all Protestant, he had no doubt they would endow a Roman Catholic University. Dr. Shaw, one of the senior Fellows of Trinity College, gave utterance to the same thought on a recent occasion. He did not say "all Protestants;" but that if there was a Protestant element he was certain an Irish Parliament would endow a Roman Catholic College in Stephen's Green. I think the House would have acted wisely if they had adopted the levelling up scheme; it would have been a great and statesmanlike proposition. My Nonconformist Friends on this side of the House are not to suppose that there are a mere handful of Roman Catholics in Ireland. Let them listen to the words of the greatest man who ever left Trinity College, and who was a Protestant. What did Mr. Burke say on this question about the Roman Catholics of Ireland? Lay these words to your hearts, because they are as true to-day as they were in 1792. He said—

> "In England the Roman Catholics are a sect; in Ireland they are a nation. This fundamental difference must affect every reason, every measure concerning them."

If you acknowledge this, you cannot deny that the Roman Catholics of Ireland are not a sect, and that the true and wise policy would be to give a charter to the Roman Catholic University. What are you doing? We are told to legislate for Ireland according to Irish ideas; but are you not going to stir up the English, Scotch, and Welsh prejudices on this subject? The right hon. Gentleman at the head of the Government talked of the Irish grievance as a scandalous one; but if it be so his measure miserably and scandalously falls short of that grievance. I give the right hon. Gentleman every credit for sincerity and good intentions; but we know there is another place which is paved with sincere and good intentions. Sir, the declaration of the right hon. Gentleman that this Bill is vital to the honour and existence of his Government places me personally in a very uncomfortable position. I have a general confidence in the right hon. Gentleman. I think he can do things no other man on this side of the House can do; and I think we are lucky in having such a leader. I have also confidence in a great many of the right hon. Gentleman's Colleagues, especially my noble Friend the Chief Secretary for Ireland. I think it would be difficult to replace them. What, then, is a man to do who has a sincere desire, not only for the advancement of learning, but for the great interests of Ireland? My hon. and learned Friend the Member for the city of Oxford has made an appeal *ad misericordiam*—he says, "*Date obolum Belisario*"—"Give a vote to a blind Government." Well, Sir, tied as I am, I feel disposed, to use a vulgar proverb, to "help a lame dog over the stile;" but I want to know with what face I could present myself to my constituents, unless, indeed, I should confront my old friends at Liskeard. I would, therefore, entreat the right hon. Gentleman at the head of the Government to follow the example of the Lord Chamberlain, and, as *The Happy Land* has been withdrawn from the Court Theatre, he will withdraw this unhappy Bill, which adds not to the content but to the discontent of Ireland, and compromises the position of the great Liberal party.

MR. CARDWELL: I hope, Sir, the House, which has been entertained by the speech of the hon. Gentleman who has just sat down, will indulge me for a few minutes while I address myself to the real question before the House. I shall do so from no party or political point of view. My hon. Friend said he would support us, but he was afraid of his constituents; yet such is the versatility of my hon. Friend that I am sure if he could not appear before one constituency he knows how to find another in any emergency. As we approach the close of this long debate it seems to me that we ought to get rid, not only of amusing personalities, but also of all exciting topics which may tend to obscure our judgment and draw our attention from the real subject before us. Now, I understand that the Motion of the hon. and learned Member for King's Lynn (Mr. Bourke) is virtually extinct, and that it will receive a decided rejection from the House. Therefore, the question that remains to be considered is—What is the proper course to take on the second reading of the Bill? I will allude briefly to the principal portions of the Bill which have been objected to, and show that no person voting for the second reading will be fettered in respect of them by any vote which he may give on the second reading. I wish to show that the points that have been criticized have been considered both by those who defended the Bill and by my right hon. Friend who opposed it as collateral or matters of detail, and as accessories, and not principal portions of the Bill. What is the position of those who would reject the Bill upon the second reading? Their position is this. They say—"We will not take into consideration a measure which has been recommended in the Speech from the Throne." ["Oh, oh!"] What does that interjection mean? To reject the Bill on the second reading is to resist the further progress of the measure; to say you will not enter into counsel with the Government for the purpose of disposing of that which has been admitted to be a grievance; and, more than that, to say you will not endeavour to solve a question of so much importance to the welfare of Ireland that even the right hon. Member for Liskeard (Mr. Horsman), in his animated declamation against the Bill, said that to leave this question unsettled was to deprive Ireland of benefits which she might otherwise derive from the great measures already passed by the present Parliament for her benefit. This will be the position of those who endeavour to reject the second reading of the Bill. The right hon. Member for the University of Oxford (Mr. G. Hardy) predicted the discomfiture of the Bill, and suggested as its epitaph the word "Misunderstood," and a more appropriate one could not be proposed. When you consider that this Bill is opposed by the Prelates of the Roman Catholic Church because it tends to perpetuate and extend the evil system, as they call it, of mixed education, and you find it at the same time opposed by my right hon. Friend because, as he says, he is the oldest supporter of mixed education in the House, and this Bill will accomplish its destruction, is it not manifest that the Bill is misunderstood? When all the details of the Bill are being discussed on the second reading, that we may be prejudiced against its main object; and when we are debating, not that which has been declared by the Government to be the essence of the Bill, but those which they declare to be collateral points, and which are clearly matters of detail, then I say the Bill has been misunderstood, and, if it failed, the suggested epitaph would be accurate. What is the position in which we are placed? We are desirous of extending the highest academical instruction to the three parts of the United Kingdom. Within the last few years we have dealt with the question in Scotland, where the difficulties prevailing in

England and Ireland are not found. We have disposed of it, and have settled it upon a foundation which satisfies the people and calls for no change. In England we have made great changes, and those changes are not yet at an end. But for Ireland we have as yet done nothing. That Ireland has a claim and makes a demand has been admitted on almost all hands; it has been admitted emphatically by the hon. Member for Brighton (Mr. Fawcett), by the hon. and learned Member for the University of Dublin (Dr. Ball), by the noble Lord the Member for North Leicestershire (Lord John Manners), and by the hon. Member for Edinburgh University (Dr. Lyon Playfair), who told us, not agreeing in historic tradition with the hon. Member for Waterford (Mr. Osborne), that at the beginning of the 14th century even the Pope was desirous of doing for Ireland what we had yet to accomplish towards the close of the 19th. With all this before you, are you prepared to reject the second reading of this Bill? What is the essence of the Bill? The question was asked by the noble Lord the Member for North Leicestershire (Lord John Manners), who said he was bewildered. If he had referred to the speech in which my right hon. Friend introduced the Bill he would have obtained the information he desired. He said, "A separate existence for the University is the basis of the measure." And again, "It is this University within the precincts of which the reform now projected for Ireland ought to take effect." And again, speaking of Galway College—

> "I am now speaking, remember, of matter which is not of the essence of the plan of the Government. The essence of the plan lies in what relates to the University of Dublin and to Trinity College."

That is the essence of the Bill. What is it that we desire to accomplish? We desire, not a mere reformation of Trinity College and the abolition of Tests, leaving it its Theological Faculty and its old occupation, but what we desire is the establishment of a great national University; and we desire to establish it upon principles of entire neutrality as regards every religious denomination. The hon. Member for Waterford (Mr. Osborne) quoted the doctrines laid down by Mr. Burke, in 1792, and he regrets that we do not level up and endow a Roman Catholic College. In the earlier part of his speech he told us that there was no use in dealing with theory, and that what we wanted to do was to deal with facts as we found them. I think his principles and pledges prohibit him from proposing Roman Catholic or denominational endowment; I know our principles and pledges prevent us from promoting it; and, what is more, the settled determination of Parliament is not to adopt it. What is the use of proposing to offer to the Roman Catholics of Ireland a measure of levelling up when you know there is no chance of carrying it through Parliament? Having stated the object of the Bill, I ask, do you approve it? If you do, the only natural course is to vote for the second reading of the Bill. Do you disapprove many of the details of the Bill? The proper course is to go into Committee and discuss those details. The points upon which the Bill has been adversely criticized include these:—The dissolution of the Queen's University and the abolition of Galway College. Of these two I say they are already declared open. I do not agree with the hon. Member for Waterford's estimate of the Colleges either of Galway or of Cork. We have proposed, as he knows, in the Bill to deal with Galway College, and that proposal is an entirely open subject for consideration in Committee. There remain three other points on which the Bill has been criticized—the arrangements with respect to the Chairs, what are called the "gagging clauses," and the constitution of the Council, including the collegiate representation. With regard to these I wish to say they are not points on which we need abide by the Bill as it stands. [*Laughter*] All may not be exactly on the same footing, but all are open to modification and discussion in Committee. I see that statement excites amusement in the minds of hon. Gentlemen; but they themselves have been parties to much larger measures, and, as they were reminded in the earlier part of the evening, those measures underwent much modification in Committee, and they have contended in their turn that it is only respectful to the House to pay deference to its opinion in Committee. We seek to establish a great national University upon a footing absolutely free from all denominational connection. We desire that it shall be open to all who wish to avail themselves of it, and that there shall be access to it not by one portal only but by several. It has been said by some who oppose the Bill that until we give a Roman Catholic endowment we cannot do justice to Ireland. I have already said that the day for denominational endowment has gone by; but this we can do. We can insure to every man in Ireland who has the knowledge and the requisite abilities, come from where he will, that a University shall be open to him where, with perfect equality, he may receive its honours and emoluments. We cannot endow a denominational University, but we can establish a University on purely free and independent principles, where if there be the pure gold of science or knowledge it may be brought to the Mint and receive the impress of the Crown. That is what we desire to do. We desire also it shall be not an examining only, but also a teaching University. We desire that it shall embrace all the branches of human knowledge, though it has been represented that we desire to exclude or disparage some of the principal. The candid mind of the right hon. Gentleman opposite (Dr. Ball) would not so exclude them from the Bill; but when we go into Committee this question can be thoroughly and fairly discussed. No doubt the proposal in the Bill establishes only a portion of the teaching in direct connection with the University, and leaves the remainder to be furnished by the various Colleges. It was the proposal of Lord Derby in 1831, with respect to primary education, that there should be combined secular and separate religious teaching, and it is the proposal of the present Bill as it stands to have combined education as far as we can persuade the various Colleges to accept it, and separate education where we think they will not receive instruction under the combined arrangement. If, however, you can in Committee suggest any improved arrangement, there is no reason whatever why it should not be adopted. Let me now remind the House what was the language used by my right hon. Friend on this subject when he introduced the Bill. In speaking of the Chairs of Modern History and Mental Philosophy, he said—

> "We feel that our asking for the foundation of Chairs in these subjects would be impossible in the case of a mixed University. . . . The House may or may not overrule the Government in this matter; but, at any rate, that is the conclusion at which we arrived."

We desire that it should be a self-governing University. We desire that, as my right hon. Friend said, it should not be in the German sense Unitarian—that is, not restricted by Government control to any one particular party through the constitution of the Council; but that, on the contrary, it should receive contributions from every quarter in Ireland where knowledge may flourish. Therefore, we have sought to make the permanent constitution of the Council academic and not nominated. We believe that by this measure we shall confer a great boon on the entire people of Ireland, and that we shall stimulate the intermediate education which, according to the hon. Member for Waterford (Mr. Osborne) is the great desideratum of the country. We believe you will not get good intermediate education in Ireland until you have created that University education to which those who go to the intermediate schools will be aspiring, and which will give them hope and ambition, and the desire of profiting by their learning. Having stated what is the essence of the Bill, now let me say a few words with regard to those points which have been so keenly contested. First of all, there is the dissolution of the Queen's University, and, as I have already said, that has always been treated as an open question. I am not likely to say anything in disparagement of the Queen's University, for it was founded by a Government of which I had the honour to be a Member, and, like my right hon. Friend the Member for Liskeard (Mr. Horsman), I was for some time its official advocate in this House. I do not agree with my hon. Friend the Member for Waterford that the pupils in the Queen's Colleges are sent away ignorant; because, in the case of open competitions for public employment, I have seen a great proportion of the prizes awarded to persons who had been trained in those Colleges. But it was not in a spirit of depreciation that my right hon. Friend proposed the dissolution of the Queen's University. It was, indeed, in an exactly opposite spirit. It was in order that they might participate in the large endowments and the independence of the new University. My right hon. Friend proposed that they should become members of the national University instead of remaining in their present isolated condition; but if when we get into Committee it is found that the members of the Queen's University prefer their separate existence, and if the House should think it better to retain that system, there is nothing in what we have declared to prevent us from acquiescing in that conclusion. As to the Galway College, I have already referred to our views on that point. With regard to the "gagging clauses," it is a very convenient artifice to give a nickname to anything one wishes to disparage, and I know of hardly anything more difficult than to get over a good Parliamentary nickname. I am not, however, now going to argue in favour of the clauses, I only intend to say that they were introduced with the view of doing that which, as I understood, the hon. Member for Edinburgh University (Dr. Lyon Playfair) stated was the object of the regulations adopted in regard to the Queen's University, which have been in operation for 25 years without giving offence to anybody. It is, however, perfectly free to the Committee on this Bill to deal with those regulations as they please. The right hon. and learned Gentleman the Member for the University of Dublin (Dr. Ball), in his excessive candour, stated this to be his main academical objection to the Bill, and afterwards he said that he reposed so much confidence in the academic character and high qualities of my right hon. Friend that if instead of inserting the names of the Council in the Bill he would take it in his own hands he should have confidence in his selection. To express this confidence in my right hon. Friend's unassisted selection, and to withhold it when that selection is submitted to the guidance and direction of Parliament, is only asking the House to pass a Vote of Want of Confidence in itself, and shows, indeed, a deep distrust of the House on the part of the right hon. Gentleman opposite. We have been much ridiculed, because we proposed to have the Council nominated in the first instance by the Crown, and to place at the head of it the Lord Lieutenant of Ireland. As to the nomination by the Crown, it has never been represented as anything but a scaffolding—a temporary arrangement and preparation for the future building. We have always said we looked forward to the academic independence of the Council as one of the great merits of the scheme; but before you can have an elective Council it is obvious you must have a constituency to conduct the elections. As this objection proceeds from those who are advocates of the Queen's University and the University of London, I will remark that I have the honour to be a member of the Council of the latter University, and I owed my appointment to the Crown. The Council of the Queen's University was also appointed by the Crown. I was sorry to hear the hon. Baronet the Member for Dublin (Sir Dominic Corrigan), who is Vice Chancellor of the Queen's University, speak against having the Lord Lieutenant of Ireland the Chancellor of the new University, for it must be remembered that the first Chancellor of the Queen's University was the Lord Lieutenant, the late Lord Clarendon. I may add that my noble Friend and Colleague (Lord Granville), who at this moment is Chancellor of the University of London was appointed by the Crown. The arrangement was proposed by us in the hope that it would remove the office of Chancellor from the arena of political conflict, but it is not of the essence of the Bill, and the House may properly and fairly consider the subject in Committee. And now I pass on to the omission of Chairs of Modern History and Metaphysics. No one ought to be more ready than I to appreciate the objection, if ground for it existed, to the omission of these Chairs; for I would observe that when I and my hon. Friends whom I see around me were at the University we had not the advantage at Oxford or Cambridge of the endowment of effective Chairs in either of those two sciences. Although that is the case, we have not proposed to omit these sciences from the course of the intended University in Ireland; but, on the contrary, it was thought that these studies had best be prosecuted, considering the particular state of Ireland, by arrangement in the several Colleges, rather than by arrangement in the combined University, where probably those of different sentiments would object to meet; and if it is considered an unsatisfactory arrangement it can be dicussed in Committee, it being a subject on which we are perfectly prepared to listen and respect the determination of the Committee. My right hon.

Friend at the head of the Government has already stated that he is willing to deal with College representation; but nothing has been more misunderstood and misrepresented than the views upon this subject with which the measure was introduced. My right hon. Friend has been charged with having intended to swamp the opinion of the Council by affording the opportunity for the creation and representation of a multitude of Colleges; and my right hon. Friend the President of the Board of Trade has been accused in the earlier part of this evening with having stated that if the Roman Catholics would only use the advantage which this clause gives them, they would speedily obtain a command of the University. I am authorised by my right hon. Friend to deny on his part that he has given utterance to any sentiment of the kind. My right hon. Friend at the head of the Government says that he expressly excluded any possibility of the Colleges governing the action of the Council by the exercise of influence or combination among themselves. No doubt they were to be heard in the Council, and their views with respect to education fairly brought under discussion. No one can deny that that is a legitimate object. But it will be for the House to decide whether the mode proposed by my right hon. Friend should continue in the Bill, or whether it should be set aside. Now, Sir, in no point to which I have referred have I stated anything new. I have sometimes encountered a little exhibition of amusement, as if I were making changes in my right hon. Friend's statement as he originally made it. But I have in no instance said anything that is not perfectly warranted by the speech of my right hon. Friend. Some of these proposals were spoken of as being collateral, others as being matters of detail, and many of them have been described by the hon. Member for Brighton (Mr. Fawcett) and others in the course of the debate as being accessory only to the measure. The true policy surely is when a Government measure has for its essence a great object, involving a great many complicated details, to some of which objections are entertained, not to reject the measure on its second reading, but to go into Committee and endeavour to take counsel together and see whether we cannot produce a satisfactory measure. Surely that is the course which the House has been accustomed to take. ["Oh, oh!"] My right hon. Friend the Member for Liskeard says "Oh, oh!" So far as I understand his speech he is ready to reject a measure which he at first received with enthusiasm because the Prelates of the Irish Church have rejected the Bill. My right hon. Friend knows as I know that we ought to treat the opinions of the Prelates of Ireland with the respect due to those who command the confidence of a large portion of the people of Ireland; but it would be an exaggeration of that duty if, when we had proposed a Bill for the benefit of a portion of the Empire, we were to withdraw it because it has been rejected by a section of the community. [Mr. Horsman: Hear, hear!] My right hon. Friend knows the long and arduous conflict which was maintained on the subject of primary education. We had the same difficulties to contend with, and we have contended with them successfully. As stated by the hon. Member for Waterford (Mr. Osborne), the opposition began with the clergy of the Established Church. It was very much mitigated afterwards, on their part, and although strong opposition has been persistently offered by the Prelates of the Roman Catholic Church, yet 80 per cent of the managers of schools are priests. Then, I say, it is our duty not to be discouraged by the denunciations of the Prelates or of anybody else, but to submit to the judgment of Parliament, and hear what the Members of the House—Irish, Scotch, and English—have to say on the subject and determine the policy we are to pursue with respect to this measure. My right hon. Friend says that we should be wanting in respect to the House if we went on with the Bill after what had passed. I, on the contrary, hold it would be in the highest degree derogatory to the respect which we owe to the House if we had withdrawn the Bill or hesitated to submit it to the judgment of the House. My right hon. Friend says we ought to turn to the Roman Catholics of Ireland and say—"If you won't make use of the means of education we have provided you, provide some other for yourselves." It may be that we may be compelled to adopt that course; but when could we do so with justice? Surely not until we have exhausted every effort—not until we have made every proposal which our own principles and our own pledges permit us to make. That course we now invite the House to adopt. We are not anxious to insist upon anything from any feeling of pride or selfish pertinacity. We only desire to benefit Ireland by promoting, as far as we can, higher education consistently with the rights of conscience. My right hon. Friend says it is an affront to the House. I ask my right hon. Friend, is it worthy of his great ability, when there is already so much theological animosity, to come down to the House of Commons and stimulate that animosity by his elaborate eloquence? When the train of theological combustibles is laid, it does not require the ability of my right hon. Friend to explode it. Any child can fire it. The difficulty is to extinguish it. And I would appeal to the House of Commons to surmount this difficulty. This measure, it has been universally admitted, was brought in with a sincere desire to accomplish in Ireland a great and noble object. Everybody praises and supports the object. Many of you have criticised the details. My appeal is this—"Do for Ireland what you have done for Scotland and England." "Pass the second reading of the Bill." "Proceed to consider in Committee all the various details which have been designed to accomplish this useful object." "Criticise them freely; expunge those which are objectionable." [*Laughter.*] I, at least, shall not be deterred by ridicule from repeating the advice. I say reject those things that are objectionable, and adhere to those that will stand the test of argument. The House of Commons would be unworthy of its great functions if we were deterred by any such feelings from discharging our duty to the Empire. What we want is to accomplish a great purpose and settle this still open question—the higher education of Ireland—on the principles on which this Bill has been introduced—namely, to promote the advancement of learning in conformity with the rights of conscience.

Colonel WILSON-PATTEN moved the adjournment of the debate.

Mr. HORSMAN: I desire, Sir, to say one word in explanation. I have never said that the Bill ought to be withdrawn because the Bishops in Ireland were opposed to it. What I said was that everybody else disliked and objected to it, and as it was brought in to remove the grievances under which the Bishops asserted the Roman Catholics laboured, their resolution took away the last ground on which the measure could be supported.

Mr. LIDDELL asked what necessity there was for adjourning the debate. He wanted to know after the speech of the right hon. Gentleman the Secretary of State for War, what more there was to discuss on the second reading. He thought that the Government had acted very wisely in the course they had taken that evening; but, as a matter of fact, they had withdrawn every single proposition they had made in the Bill. ["No, no."] But that was a fact. Two nights ago they were told that the affiliated Colleges were not of the essence of the Bill, and that the question of the Queen's University was open to discussion; and to-night they were told that the nomination of the Council was not of the essence of the Bill, but was to be left in the hands of the House. There was, therefore, really no issue before the House, and he objected to an adjournment, which was not only unnecessary, but was merely wasting the time of the House.

Mr. MITCHELL HENRY, so far from agreeing with the hon. Gentleman who had just sat down, could not see how, with justice to the people of Ireland, that debate could be concluded to-morrow.

Mr. DODSON wished to ask his right hon. Friend at the head of the Government whether he intended, after the Bill had been read a second time and committed *pro formâ*, to introduce into it some Amendments in detail, respecting the conditions on which the Colleges should be affiliated, that his right hon. Friend mentioned the other night.

Mr. GLADSTONE said, that the Amendments he had mentioned in the House before that debate commenced were of a very limited description, and went to one or two points which the Government had considered since the introduction of the measure, and he had mentioned these simply that hon. Gentlemen might have accurate information in discussing the question on the second reading. But the question now raised was a larger one; because the lengthened debate that had since occurred had given the Government the advantage of a much greater acquaintance with the views of the House on the particulars of the Bill than they possessed at that period; and all he could say with reference to the question of his right hon. Friend was that they proposed to go on with the debate to-morrow night. His hon. Friend (Mr. M. Henry) thought it would not be possible to conclude it to-morrow night. That would, no doubt, be decided, as was usually the case, by the prevailing sense of the House. If it was found that there was any considerable section of Members who were really disposed, and had fair claims to speak upon the question, even after all that might have been said, the House was inclined, even at great inconvenience to itself, to allow a debate to be prolonged. But, on the other hand, considering the pressure of public business and the limitations of time, it might be expected of hon. Members that they would sacrifice something to the convenience of the House. If, therefore, there was a prevailing sense of the House, he should desire himself to obey it, and he hoped his hon. Friend would do the same. That being so, he should propose to fix a day for the consideration of the Speaker's leaving the Chair, and in the interval the Government would consider what course it would be most convenient for them to take. It was not possible to give an answer absolutely on the question until the House had decided on the second reading. But he would give this pledge—that the Government would not ask the House to go into Committee without a reasonable notice of the course which was intended to be pursued there. It was not possible, until they looked at the matter in detail, to say whether it would be convenient to reprint the Bill, or to place any Amendments which they were disposed to suggest upon the Paper. But the statements which had been made by the Government with regard to the greater number of points, were rather in the nature of statements that they would be perfectly ready to discuss propositions on their merits, than statements to the effect that they were convinced they were in error, and therefore were disposed to alter the Bill.

Debate further *adjourned* till *to-morrow*.

PUBLIC DEPARTMENTS (PURCHASES, &c.)

Select Committee *appointed*, "to inquire into and report upon the existing principles and practice which in the several Public Departments and Bodies regulate the purchase and sale of Materials and Stores:"—Committee to consist of Nineteen Members:—Mr. Baxter, Lord George Hamilton, Mr. Campbell-Bannerman, Mr. Hick, Mr. Brand, Mr. Laird, Sir George Balfour, Mr. Mellor, Mr. Crum-Ewing, Mr. Goldney, Mr. Mitchell Henry, Mr. Bates, Mr. Whitwell, Mr. Salt, Mr. Alexander Brown, Mr. Torr, Mr. J. D. Lewis, Colonel Barttelot, and Mr. Holms:—Power to send for persons, papers, and records; Seven to be the quorum.—(*Mr. Holms.*)

House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Tuesday, 11*th March*, 1873.

MINUTES.]—Public Bills—*First Reading*—Marriages (Ireland)* (40).

Second Reading—Supreme Court of Judicature (14).

Report—Local Government Provisional Orders* (26).

SUPREME COURT OF JUDICATURE BILL. [H.L.]—(No. 14.)

(*The Lord Chancellor.*)

SECOND READING.

Order of the Day for the Second Reading read.

Moved, "That the Bill be now read 2ª."—(*The Lord Chancellor.*)

Lord DENMAN, who had presented a Petition from a law student against this Bill, said, he had had the audacity in 1856 to oppose almost every stage of a Bill for altering the Appellate Jurisdiction of their Lordships' House; on the present occasion he seemed likely only to be able to found a protest against this measure; but three times in about 150 years the House of Commons had relieved their Lordships from the effect of a Vote likely to be injurious. In 1719, the limiting the number of Peers would have prevented many in their Lordships' House now from having seats in it at all. And he might here remind their Lordships that in 1719 this House had maintained their right to overrule the Irish House of Lords on appeal. In 1823 a Bill passed both

Houses, but was inoperative from no salary having been provided for the Deputy Speaker, who was not to have been a Peer. In 1856 a Select Committee of the House of Commons, by dropping the subject, prevented Lord Wensleydale from becoming a paid (life) Peer, and ever since this House had carried on the hearing of appeals to the satisfaction of suitors in the three Kingdoms. In 1871 the projected Bill as to the Appellate Jurisdiction of the House of Lords did not pass the House of Commons. This Bill, as far as it dealt with salaries, ought not to have originated in their Lordships' House; but, if in "another place," salaries could be offered to persons, eminent enough to form a Quorum of a first Court of Appeal, without either Chancellor or retired Judges, their Lordships might consider the proposal. He (Lord Denman) was very glad that the sister Kingdoms retained their right to present appeals to their Lordships' House, but could not think that the right would be much valued if a Court superior in authority were formed for England, and one with diminished consideration and practice were retained for them. He must remind their Lordships that this Bill contained a clause for paying future Lord Chancellors four-fifths of their salary, and for forfeiture of the other fifth if they should not attend during the Session, and beyond it, for the hearing of appeals; but that the first Earl of Eldon wished the whole of the retiring pension to be, by the Minister, made conditional on the retired Chancellor sitting, when able, to hear appeals in their Lordships' House. But it was the House itself which gave the Judicial Committee their authority. Their opinion need not, of course, be adopted, and those of their Lordships who would hear the whole of a cause, would be as well able to decide between the noble and learned Lord (Lord Westbury) and the noble and learned Lord (Lord Chelmsford) on the front Opposition bench, if they differed, where truth and justice existed, as common or special or grand jurymen were able to decide on the direction of a Judge. He (Lord Denman) could not stay to hear the arguments in favour of this Bill. He thought the name he had the honour to bear entitled him to more respect than he had met with on the Irish Church Bill, where opposition had been strangled, as to which he had protested, and as an officer for 18 years in a Court of Justice, he believed that his opinion as to procedure deserved attention.

Amendment *moved* to leave out ("now") and insert ("this day six months.")—(*The Lord Denman.*)

LORD HATHERLEY said, he did not rise for the purpose of raising any protracted discussion on the Bill now before their Lordships. Their Lordships had on a previous occasion affirmed the principle of the greater portion of the measure, and looking at the present Bill as a whole, when it was introduced by his noble and learned Friend on the Woolsack it appeared to have been received with general favour—though certainly not in such a manner as to preclude any noble Lord from making such a Motion as had just been proposed;—he thought however that he would only be doing right in addressing a few words to their Lordships before the Bill received a second reading. In consequence of the part he had felt it his duty to take on a former occasion in reference to a somewhat similar Bill, he was most anxious to avail himself of the first opportunity that had presented itself of expressing his entire concurrence in the essential principles of this Bill from beginning to end. He was still more anxious to express his opinion that a reform so long desired and so much needed could not have been placed in safer hands than those of his noble and learned Friend on the Woolsack, whose great practice in the Courts of Equity, at the bar of their Lordships' House, and before the Privy Council, enabled him to see and weigh the difficulties in the way of a reform, and to judge of the remedies which would be appropriate to the wants of the public in respect of the administration of justice. Unquestionably the time had arrived when it was necessary to take efficient steps for the reform of our system of judicature. It was not necessary that he should enter into the subject at any length on the present occasion, but there could be no question that there were the greatest anomalies in our judicial administration arising out of our conflicting system of law and equity, which gave rise to the greatest embarrassment and even injustice. He would give as an illustration, a case that too frequently occurred, where a suitor might have proved himself perfectly right in a Court of Law—so right that costs were given to him against his opponent—and his opponent might immediately after apply to the Court of Chancery in the same matter, and there prove himself so right that he defeated with costs the suitor in the Court of Law. Now, that could not be a rational or intelligent mode of carrying out our judicial administration. With the purpose of remedying this conflict of jurisdiction there had arisen a demand for what was called "a fusion of law and equity;" but he must observe that there was in that phrase a confusion of what was really meant, and that it did not convey any adequate idea of what was required. The distinction between law and equity could not be at once abolished by any measure; because if such a proposition were made he would ask with his noble and learned Friend on the Woolsack—"Are you going to abolish trusts?" Of course nothing of the kind could be done. There must be distinctions between legal and beneficial ownerships, and this Bill did not seek to wipe away those distinctions. The real effect of the Bill would be this:—That, whereas at the present time a certain class of cases could be entered on in a Court of Law, but in respect of those cases the Court was obliged to stop and to hold its hands when there arose a question as between legal and equitable ownerships, if the Bill passed there would be no such interruption and handing over of the proceedings from one tribunal to another; but the whole of the matters connected with a case would be administered by one Court, which would have charge of it from beginning to end. No doubt some years ago the law was altered so as to allow of equitable defences being set up in Courts of Law; but, in many cases, the Courts of Law felt themselves obliged to continue to leave such defences to the Court of Chancery. For instance, the answer to an action for ejectment might be that the plaintiff had agreed to sell the property in question to the defendant, and to give the defendant possession, pending the inquiry into the title of the plaintiff to the property, and the Court of Law having no machinery for investigating the title, was unable to give effect to the equitable defence. If this Bill were carried, business would be divided among the different Divisions of the High Court, so that each Division would get its proper share of labour; but in any case in which the assistance of a particular Division was required that assistance would be had without the necessity for filing new Bills, the employment of additional Counsel, and perhaps of other attorneys, all of which necessarily imposed additional expense on the suitor. He would now have the opportunity of having his cause heard and settled within the four walls of the Court and by Judges who were acquainted with the details of every part of his case. The machinery of the High Court would be sufficient for all classes of cases, and would be available for all. But some persons objected to the scheme of his noble and learned Friend on the ground, as they alleged, that under it the public would continue to have just the same thing as they had now—that there would be just the same Courts and the same Judges, and the same modes of procedure under other names. Now, he begged leave to say that he entirely differed from the persons who made that statement; because there would be but one single Court with one Jurisdiction running through its several Divisions and with facilities for passing all cases from any one Division to another without the institution of fresh proceedings. There were possibly some grounds for the apprehension entertained by the persons to whom he alluded, because they argued on the assumption that those who had been accustomed to the existing state of things would not be inclined to favour a course with which they were not familiar, and that therefore the proceedings in our Courts would be found running in the old grooves. He did not think this would be so. He had much greater confidence in men than he had in rules, and in cases like this he would not be for laying down any but broad rules. He did not like minute rules for those who had to administer the law; but he believed that hereafter care would be taken to introduce as Judges into say the First Division, or Court of Queen's Bench, persons acquainted with equity, and to put in the Second or Chancery Division Judges who were acquainted with common law; so that in the course of a few years one complete system of justice would be administered in each of the Divisions of the High Court. He thought the admixture of common law and equity lawyers on the same bench would be of great advantage. While he was on the Woolsack he made the experiment by recommending the appointment of an eminent common-law lawyer to the Court of Appeal, and he believed that appointment had met with general approval, and had resulted in great advantage. As to the Appellate Court proposed by his noble and learned Friend, he regarded it as of the greatest importance to have a Court of Appeal in connection with the Supreme Court. It would be a saving of expense. Then it was most desirable that there should be a Court of Appeal the force and regularity of which could be depended on. At present the judicial force of their Lordships' House was greater than it had usually been in times past; but a succession of Law Lords who would give a constant attendance could not be depended on. The majority of Law Lords—and unfortunately he was among that majority—were men of between 70 and 80 years of age, and consequently their constant attendance for a series of years could not be expected. As regarded the exclusion of Scotland and Ireland from the advantages of the new Court of Appeal, he found that it was justified by the belief that those countries were well pleased with the Appellate Jurisdiction of their Lordships' House. He would, however, be glad when the time came at which there should be one Court of Appeal for the entire realm. Believing that the measure of his noble and learned Friend would effect a very great improvement in the administration of justice, he cordially supported the second reading.

Lord CHELMSFORD desired to congratulate his noble and learned Friend who had just sat down on his return to their Lordships' House, and hoped that for very many years he would continue to take part in its debates. He concurred with his noble and learned Friend in thinking that the subject now under discussion could not have been in better hands than those of his noble and learned Friend on the Woolsack. The scheme now before their Lordships was large and comprehensive, and, as he thought, calculated to produce great improvement. The foundation of his noble and learned Friend's scheme was laid in one Supreme Court, which was to possess an original and an appellate jurisdiction, and through which one uniform system of justice was to be administered. They must all agree with the observation of his noble and learned Friend who had just addressed them—that it was not right a suitor who resorted to a Court for a remedy should be told it was impossible he could get complete justice there, but if he wanted redress upon some particular point he must resort to another Court. He agreed with his noble and learned Friend that "fusion of law and equity" was not a satisfactory phrase; but everyone knew what was understood by it. What was desired was that there should be a complete administration of justice by the one Court. That was understood to be the object of the present Bill; but he must say it appeared to him that if the Bill were passed in its present shape law and equity would continue to flow in separate channels, as at present, instead of running through each of the different Divisions of the High Court. He might be mistaken in that; but as he construed the wording of the Bill, that was the effect of it. The Supreme Court was to consist of two permanent Divisions—the High Court of Justice for original business, and the Court of Appeal for appellate jurisdiction. The High Court of Justice was to consist of four Divisions, each of which was to exercise a separate and exclusive jurisdiction in a certain sense. The first Division was to have jurisdiction in respect of those subjects which now exclusively belonged to the Queen's Bench. The second Division was to have it in respect of matters which now went into the Court of Chancery, the London Court of Bankruptcy, and the Admiralty Court. The third Division was to have jurisdiction in the cases which now went to the Common Pleas; and the fourth Division in those which now went to the Exchequer. The Judge of Probate and Divorce was still to have jurisdiction in the matters which were brought into his Court at present. Besides all actions at law, actions for debt recognizable at common law, will be dealt with by the first, third, and fourth Divisions, and not by the second Division. This arrangement might be intended as a sort of experiment; but he gathered from the Bill that it must be permanent, because, not only were the present Lord Chief Justice of the Common Pleas and the present Lord Chief Baron to retain their titles, but when new Judges were appointed to fill the places vacant by the retirement of those two learned Judges, they, too, were to bear the same titles, though the Court of Common Pleas and the Court of Exchequer were to be abolished by their consolidation into the Supreme Court, of which they were to form two of the Divisions. It appeared to him that so long as such a system was continued there could not be any fusion of law and equity in the sense that was generally understood; because as the Dvisions were to exercise their separate jurisdiction, he could not see how it was possible that the Judges of those Courts could obtain experience in the administration of a combined system of law and equity. He thought, therefore, that though there was to be a nominal division of Courts, the Courts now existing would continue to exist under another name, though with chiefs bearing the same titles as those now borne by them. Now, he ventured to say there never could be a fusion of law and equity, unless there was constituted a Supreme Court — not nominally only, but one Supreme Court in which the Judges should interchange jurisdiction. He begged to assure his noble and learned Friend that he did not make these remarks in any spirit of hostility to the Bill, but only for the purpose of directing his attention to what appeared to him to be a defect which he would do well to remedy.

THE LORD CHANCELLOR said, his noble and learned Friend was mistaken. The Supreme Court would have one jurisdiction, perfectly interchangeable in its different Divisions.

LORD CHELMSFORD said, no doubt his noble and learned Friend was right, but he should like his noble and learned Friend to explain in what respect he was mistaken in saying that, according to the wording of the Bill, there would be an exclusive jurisdiction in each of the Divisions of the Court. He wished now to say a few words with respect to appellate jurisdiction. He had long been of opinion that it was quite impossible for their Lordships, with the feeling which existed on the subject in the public mind, to retain the appellate jurisdiction of their Lordships' House; and he must confess that the machinery proposed by his noble and learned Friend for supplying a satisfactory Court of Appeal was infinitely better than any which had previously been devised. He believed he might say with truth that for some time the appellate jurisdiction of their Lordships' House had been exercised not unsatisfactorily; but at the same time he would not deny that their Lordships' House did not constitute a satisfactory tribunal for the disposal of appeals, because the Court by which the appeals were actually disposed of, was of a most precarious character. Many of the Law Lords were very advanced in life, and they would not be capable of constant attendance for any very long time. It happened that at the present time there were a very large number of Law Lords, who sat for the hearing of appeals; but, on the whole their Lordships' House, as an appellate tribunal, must be regarded as precarious and uncertain; and it was the duty of the Legislature to provide a Court of Ultimate Appeal which would be permanent and certain, and in this respect he considered the tribunal proposed by this Bill infinitely preferable. He regretted that the appellate jurisdiction of their Lordships was to be preserved for appeals coming from Scotland and Ireland. He thought it was possible that, as had been suggested, the exception was made out of deference to the wishes of those two countries, which thought that appeals from their own Courts ought not to be heard by any Court but the House of Lords. He was sure that if that House parted with the greater portion of their appellate jurisdiction their Lordships would have no wish to retain any part of it, and he should be very sorry to think that any sentimental feeling should stand in the way of a resort by Scotland and Ireland to an appellate tribunal, which he believed would be a good one, and one calculated to inspire great confidence. He wished, therefore, that his noble and learned Friend on the Woolsack would take a bold step and include Scotch and Irish appeals in the Bill. He would reserve some remarks he had to offer, but which could be offered more conveniently in Committee. He was extremely desirous that the Bill should pass, and would give every assistance in his power to his noble and learned Friend on the Woolsack.

LORD ROMILLY said, that when he heard the luminous and lucid statement of his noble and learned Friend (the Lord Chancellor) on the introduction of this Bill, and read the Bill itself, he made the remark that it was the first Bill which had ever really grappled with the difficulty they had to meet; and he should therefore give his cordial support to the second reading. But there were two or three things in it which he thought were open to objection, and for this purpose it was necessary that he should state what he thought was required. It was his belief that the judicial administration of the country should be vested in several Courts, each of which should be presided over by a single Judge, all the Courts having co-ordinate jurisdiction and dealing with cases of law and equity indiscriminately as they arose, and that to accomplish this a fresh code of procedure should be enacted applying equally to law and to equity. There should also be a system of appeal from each Court in the first instance—but there ought not to be such a distribution of the business as that equity should be administered in one Court and common law in another — equity and common law should both be carried into effect by the same tribunal. It was desirable that a similar arrangement should be carried into effect by all the minor tribunals. He doubted whether the public mind was prepared for it at present; but the present measure should be as nearly as possible assimilated to this, so that the measure might ultimately be carried into execution in entirety. In order to bring about a fusion of law and equity, the mode of procedure should be simple; but he was afraid that his noble and learned Friend on the Woolsack had rather overdone the thing in respect of simplicity. In his Rules of Procedure his noble and learned Friend had cut out everything except the particular demand and the relief or remedy asked for. There could be in his opinion no doubt that they would never produce a fusion of law and equity without altering the mode of procedure by putting an end to declarations and bills in Chancery, and substituting short and simple statements of the facts, raising the question to be decided, and asking in plain words for the relief sought; but his experience in the Court of Chancery enabled him to say that the result of setting out merely what you asked for, without stating any of the facts on which you relied as entitling you to that relief, very much increased the expense of the proceedings. This occurred now. When summonses came from the Chief Clerk's office, counsel had the greatest difficulty in making out what were the facts to be relied on. As to the Court of Appeal, he quite agreed that there ought to be an appeal to a Court of the nature his noble and learned Friend proposed to constitute; but it ought to be so constituted in respect of numbers as to give a substantial majority on one side whenever there was a difference of opinion. Thus there should be an appeal from one Judge to a tribunal consisting of four Judges, so that there would be at least three opinions to two, whichever way it decided. Besides this, not unfrequently there were cases of peculiar difficulty and great importance, in which, he confessed, he thought the House of Lords would be the best Court of Appeal, even after the establishment of the Court of Appeal proposed by his noble and learned Friend. It must be observed that when all the members of a tribunal were lawyers there was a constant disposition to run into technicalities. When lawyers met together, in spite of their best endeavour to the contrary, they were more or less disposed to have regard to technicalities, and if laymen were mixed with lawyers it infused common sense and common justice as distinguished from minute refinements which lead to technicalities, and thus a great evil might be avoided by keeping the spirit of the law in its right course, and by preventing the introduction of false analogies, by which real justice might be more substantially attained. He had the honour of being on a Commission which had effected more good for the Court of Chancery than any, he believed, which previously existed, and the value of its labours was greatly due to two Members of it—the late Sir James Graham and his right hon. Friend Mr. Henley, both of whom were laymen, and who by their influence had great effect in the advancement of broad principles of justice and the diminution of technical rules. He felt assured, therefore, that an appeal to the House of Lords under certain restrictions might be found to operate very beneficially. He wished in the next place to say a few words on the subject of patronage. It had hitherto been the invariable practice that all the Puisne Judges should be appointed by the Lord Chancellor, and he saw no reason why that patronage should be taken away from the occupant of the Woolsack and vested entirely in the hands of the Prime Minister. As to circuits, he should propose to put an end to them, seeing that they led to great expense. There ought instead to be a series of district Courts within the reach of everyone, performing the functions of a Court of Equity as well as of Common Law, with a speedy and inexpensive procedure. With regard to the salaries of the Judges, no doubt they were properly to be dealt with by the other House; but he might observe that the retiring pension of Lord Chancellors had been fixed, after some consideration, at half their salary—£5,000; but it should be borne in mind that the Lord Chancellor was in a very particular position, for he never resigned except on compulsion—he did not, however, refer to his noble and learned Friend (Lord Hatherley), whose re-appearance in the House their Lordships viewed with so much pleasure, but even his retirement was no exception to the rule. That was not, however, the case with the other Judges, and it was highly desirable that they should be always men with powers competent to the discharge of their duties. It was, therefore of the utmost importance that the salaries should be such as to secure the services of the best men, and that men should not be induced by reluctance to go from a large salary to a small retiring pension to continue performing duties to the performance of which they might not be entirely equal. Lawyers, he might add, did not, generally speaking, inherit fortunes, and if they were to receive only small salaries on being appointed Judges they would probably refuse to take such appointments until they had earned what they considered a sufficient sum of money to provide for their children, and so decline to accept a seat on the Bench until a later period of life than was beneficial to the administration of justice. Again, it would be very unfortunate if, by the insufficiency of the salaries assigned, all the eminent lawyers should prefer to remain practising at the Bar, while lawyers of inferior repute should be appointed; when the Judges of the Court would be overborne by the superior knowledge and repute of the counsel practising before them, whose weight they had already experienced at the Bar. As he had already said, he very much approved the general scheme of the Bill, and should be happy to give his noble and learned Friend his assistance in passing it satisfactorily through Committee.

THE MARQUESS OF SALISBURY said, he owed the House, perhaps, an apology for intruding himself into the discussion; but, inasmuch as the Bill had political as well as legal aspects, and inasmuch as it was now proposed to renounce a jurisdiction which their Lordships had exercised for centuries, even a lay Member of the House might be permitted to take an interest in its provisions. But before he touched further on that part of the subject, he would venture to express a hope that the noble and learned Lord on the Woolsack would scrutinize most carefully those clauses of the Bill the object of which was to fuse the several Courts of Law and Equity; for it was not only his impression, but the impression of lawyers whose opinions were entitled to great weight, that the effect of the measure, as it now stood, would be to leave those Courts divided by a line of demarcation practically almost as great as that by which they were now separated. It was commonly said that the existing system of law and equity was absurd, because it set up one solemn machinery to make blunders and another equally solemn to correct them. That was not, however, a just statement of the case. Two conflicting systems had grown up in the course of our history like two hostile powers, each pushing forward its own ideas in the course of its historical development; and if by this Bill they assigned Judges to special Courts with definite boundaries, judging from the experience of the past, the result of the proposals contained in the Bill was likely to be that two separate bars would practice the two different kinds of jurisdiction, and that there would be from the point where the reform was made a new growth of law and a new growth of equity—two practically still conflicting jurisdictions—thus leaving it to future ages to complete the fusion which it was now thought to accomplish. He hoped, therefore, the noble and learned Lord on the Woolsack would give his special attention to the clauses of which he referred. But the point which really concerned their Lordships as politicians was the appellate jurisdiction of the House. There was no doubt that those who sat on the benches behind him had always manifested great jealousy with respect to that jurisdiction, and that they would witness its disappearance with great sorrow. He must, however, confess that it seemed to him as a practical matter impossible that things could remain as they are, and that the precariousness of the power was the great argument against it. Practically the jurisdiction was exercised by ex-Lord Chancellors. Sometimes an ex-Lord Chancellor combined an experience both of common law and equity, but generally speaking their Supreme Court of Appeal was too much confined to one great branch of legal learning. Moreover, ex-Chancellors were produced by political changes, and when there were frequent political changes they had a large supply of ex-Chancellors. Great natural convulsions—for example great floods—when they came over the land, left behind them a deposit that fertilized the soil. So, when the waters of a great political flood retired, they left behind them a fertilizing deposit of ex-Chancellors. But suppose no political convulsion occurred for a long period; supposing they had—as occurred in the beginning of this century—a long domination of one political party in power, their supply of Judges of Appeal would fail, and they would be again reduced to the position of things in which Lord Eldon sat in judgment upon himself. He did not think their Lordships' appellate jurisdiction had been, as it had been called, the mere shadow of a shade. He believed the idea enshrined in it had been a real, genuine, and useful one. The benefits which resulted to a final Court of Appeal from the fact that its Members had to work with laymen in the ordinary business of life had been already indicated by the noble and learned Lord who had just sat down. No doubt evil tendencies of the legal, as of every other profession were mitigated by contact with men who were animated by other notions and who moved in other grooves; and it was to be feared that if they set up the new Court of Appeal proposed by this Bill it would be less broad than it would be if its members were—as those of the last Court of Appeal were now—in the habit of taking part constantly in the duties of legislation, making the laws which they would afterwards have to apply, and seeing the difficulties which a too exact and theoretical interpretation of them would involve. But that was only one side of the case. He believed that a Supreme Court of Appeal would benefit amazingly if its members were members of the Legislature. That was one of the advantages of the system they were about to destroy. But he believed also that the Legislature itself would benefit enormously if the members of the Court of Appeal belonged to it. It was one of the inconveniences of the English legal system that those who administered the law had too small a share in making it. It was compulsory that the Judges should be precluded from sitting in the House of Commons, which was practically the most powerful branch of the Legislature; and the distinguished lawyers who became Members of that House were so engrossed with their private professional occupations that it was impossible for them to give that attention to those difficulties of legislation in which the care of lawyers was so much required. And even in their Lordships' House, although from time to time they had the advantage of the presence of the most distinguished legal intellects, still they could without injury bear an addition to the legal power by which that supervision which was now so much wanted could be given to their legislation. There had been much complaint about the form which Acts of Parliament had taken in recent years: the Judges were constantly telling them their Acts were passed in so slovenly a manner that it was a perfect punishment to have to interpret them. Was there no mode of remedying that evil? If the noble and learned Lord had been guided a little more, though not entirely, by the recommendations of the Committee of last year, he might have retained some of the principal advantages which resulted from the existence of that House as a Court of Appeal, while at the same time he removed all the evils attaching to that jurisdiction. The Committee of last year recommended that the Court of Appeal should have sitting on it Judges who should be Peers, but it attached to that the condition that they should be Peers of rank only, and should not, except in some special circumstances, sit in Parliament. That was a condition which as soon as it came to be discussed was seen to be indefensible. If they were to be Peers at all they must be Peers of Parliament. But why could not the precedent of the Episcopal Bench be followed? What objection could there be to following the recommendations of the Committee so far as to compose the Court of Appeal of *ex officio* Peers with the right to sit and vote in Parliament? In this way there might be imported into this House that amount of legal strength which it sorely wanted to supervise, correct, and watch over the technical parts of their legislation, and also obtain the assistance of a vein of legal talent which was now practically closed against the Legislature. What objections could be made to such a proposal? It might be said that if there were so many Law Lords together in that House they would always vote together and would form a kind of *imperium in imperio.* In answer to that he might say that he had not observed that the Law Lords usually showed any extravagant unanimity of opinion. Again, it might be urged that the Prime Minister, in appointing those Judges of the Court of Appeal, might possibly be unduly influenced by the fact that they would have votes, and would therefore choose, not the best lawyer, but the best party man. But no such results arose in the selection of the Members of the Episcopal Bench. Conservative Bishops were often appointed by Liberal Governments, and Liberal Bishops by Conservative Governments; but the Members of the Court of Appeal would be appointed under a much stronger action of public opinion than that which operated on the appointment of Bishops. It was not always easy to tell that a particular clergyman would be the best Bishop, because there was not that external and obvious seal of success which entitled one to say that one man was better than another; whereas, in regard to lawyers, the universal feeling of the profession almost invariably pointed out who was the most fit man for the position of a Judge. Besides, the Minister who for the interests of party sacrificed the interests of justice would do himself infinitely more damage in the public mind than would be compensated for by a single vote in the House of Peers. He was also bound to say that the party fidelity of the noble and learned Lords appointed to that House was of a very doubtful character, and he had not seen that they obeyed the "whip" with any wonderful facility. He thought they gave their votes according to their consciences, and not at the bidding of any Minister. That fear he therefore held to be chimerical. What he was suggesting was really no great change, but the only way of avoiding what would be a great change—the permanent separation between that House and the final Court of Appeal, the conjunction of which had existed for centuries, and could not be destroyed without serious and fatal injury to the interests both of justice and legislation. With regard to the exclusion of ecclesiastical appeals from the proposed Court of Appeal, he was sorry to see it. When a few years ago he protested against that exclusion, it might have been said that, the recent decisions of the Judicial Committee of the Privy Council having been against his views, he was for that reason opposed to its present constitution. That objection certainly would not be applied to him at the present time, because the Privy Council had been very impartial in its decisions as far as giving them to various parties in the Church was concerned. What he then insisted upon, and would now urge, was that while consecrating the valuable principle that law should only be administered by lawyers, and that even the shadow of lay jurisdiction over final appeals should be taken away, it was most unjust to deprive the clergy, of all people, of the advantages of a learned and impartial tribunal. He did not desire to throw the shadow of a reflection on the Members of the Episcopal Bench having seats on the Judicial Committee, for he doubted not their learning in their own profession or their impartiality; but if they were impartial it was special merit, Bishops being the least likely persons to carry impartiality into questions deeply interesting them. They were likely to have pledged themselves at some period of their career to one side or the other; they had probably expressed opinions more or less strong on particular subjects, and they had none of that freedom from interest or prejudice which we were proud to recognize in the Judges of the land. They could not in the nature of the case be the most impartial tribunal, and they certainly were not educated for the law. It would, therefore, be a palpable injustice to debar the clergy of the boon extended to all other classes, the advantages of a legal tribunal as a Court of final Appeal.

THE LORD CHANCELLOR, sincerely thanked their Lordships generally for the manner in which they had received the measure — particularly those noble Lords who had addressed the House to-night. They had contributed the goodwill which was of great importance in an undertaking of this kind, and also valuable suggestions by which he should gladly profit, as far as they appeared capable of adoption with advantage. He was far from assuming that the Bill was a perfect one; but with reference to some observations which had been made upon it he must remind their Lordships of the nature of the undertaking in which they were engaged; and he now spoke not of the appellate part of the question, but of the reconstitution and re-arrangement of original jurisdiction. An enormous business went into the Courts, the value of the property at stake was of prodigious magnitude, and experience of different kinds had been acquired by different Judges, in different Courts. The reconstitution and fusion of these Courts, so as to bring on to a single platform the whole of these jurisdictions, was a work of difficulty and magnitude which should be attempted, not in a spirit of mere theory or experiment, but with a careful regard to all the necessities and circumstances of the transition from one system to another. It was, no doubt, true that the habits of Judges formed under one system were not at once and easily accommodated to the habits and traditions of a different system, and that, with the best intentions and machinery, Parliament could not expect all at once to attain to the complete union of two systems hitherto administered as distinct. They must accept as inevitable the necessity of moving by practical steps and degrees, passing from one line to another without the violence of transition which would give a shock to the interests of the community and prevent the success of the measure. Time and experience were requisite to bring to perfection the union of law and equity; and the worst course that could be taken would be to try to perform impossibilities in the first instance, to get to the end without going through a process of transition, and—to use an expression sometimes applied by way of reproach to those who wanted to unite law and equity—to introduce confusion in the beginning in order that they might arrive at fusion in the end. This Bill had been carefully framed—not in the exercise merely of his own judgment, but closely following the recommendations of the Judicature Commission—the latter based on the opinions of persons of the greatest experience in the administration of the law—in order to clear the platform, to unite jurisdictions, to bring together the Courts, to abolish all technical and legal impediments to the perfect and complete action of the Courts upon every matter within their cognizance, but so to do this that the immediate transition should be made without violence, without danger to the rights of persons or property, or to the interests of the public at large. That had been the object of the carefully framed provisions which some of their Lordships thought had too much the appearance of preserving or restoring for a time those divisions of jurisdiction which it was intended in substance to abolish. He thought he should be able to satisfy them that this would not be their real effect. It was remarkable that in the criticisms elsewhere offered by those who had taken the least favourable view of the measure—two opposite, and both of them erroneous—views appeared to prevail. He had seen ably represented the view expressed by his noble and learned Friend near him (Lord Chelmsford), supported in some degree by his noble and learned Friend the Master of the Rolls, that the Bill tended too much to keep things in the old grooves, and made a change more nominal than substantial. Another view, urged with extreme ability and energy in a very able organ of opinion, was that whereas a true reform would give equity uniform ascendancy over law, the Bill, by giving to all the Judges the whole jurisdiction in matters of equity as well as law, would practically abolish equity and make the common law supreme. Now, unless he deceived himself, the provisions of the Bill, rightly understood, steered a middle course between those opposite objections. First of all, was it correct that the measure proposed to subdivide the Court into four — or, reckoning the Judge not attached to any Division, whom it might be as well to class as another,—into five distinct Divisions, each with separate and exclusive jurisdiction? This was an entire misapprehension of the Bill, and if as it now stood it failed to answer its intended purpose, he should be grateful for assistance in making it accomplish its object better. A statement of the material provisions of the Bill would clear up that misapprehension. The 17th clause established the High Court, and vested in it all the jurisdictions now divided, except those which were properly appellate jurisdictions. The 25th clause provided that in every cause or matter law and equity should be administered by the High Court and the Court of Appeal under seven rules, which were to be binding on every Court and Judge. The first rule stated that if equitable rights or remedies were claimed, the Court and every Judge should give the same effect to them as would be given by the Court of Chancery; and the second provided that if the defence was equitable a like effect should be given to it. The third allowed a defendant to set up a counter claim or adverse right, which at present might require a separate suit, in every Court —every Court and every Judge recognising and taking notice of all such rights, whether legal or equitable. The last rule directed every Court and every Judge to grant all such remedies as the parties appeared entitled to in respect of every legal or equitable claim, so that as far as possible all matters of controversy between the parties might be determined in one suit. The 32nd clause was that on which the misconception had been mainly founded. That clause, no doubt, provided for the subdivision of the High Court into practically five Divisions; but for what purpose? For the more convenient despatch of business only:—and it provided that any Judge of the High Court might sit, whenever it was necessary he should do so, in any one of those Divisions. The quantity, if not the nature of the business, would make that provision convenient for the administration of justice. If, however, it appeared to their Lordships that it would be desirable that the system of Divisions contemplated by the clause should not be a permanent arrangement, but should rather be mutable, and one that might be altered by rule of the High Court, or by any other method, he should be perfectly willing to assent in Committee to such an amendment of the Bill. But supposing the arrangement proposed to continue, then the 34th clause provided for the distribution of the business among those Divisions, with the proviso that this distribution might be varied in any manner which might from time to time be determined by rules of the High Court or by order of transfer—that is to say, power was given to change the distribution of the business from time to time according to any new arrangement which experience and the progress of the working of the measure might show to be desirable. The Bill, no doubt, proposed, in the first distribution with which the new system would start, to appropriate to the Divisions corresponding with some of the existing Courts those matters which are now in the exclusive cognizance of those Courts, but it was not so done as to give any exclusive cognizance of such matters to those Divisions. It did not give to any Division the sole jurisdiction in respect of any cases now disposed of by the Court where Judges would belong to that particular Division. The rule of distribution adopted for the Second—which might be called the Chancery Division — was to take causes which the Court of Chancery had at present better machinery for administering than had the other Court, and to keep them in that which was their natural classification and order; but that was done for convenience merely. That provision had been criticised in one of the publications to which he had referred. The critic said that the Bill would appropriate to the Division which was coincident in its constitution to the Court of Chancery, particular classes of business according to the convenience of administration, and not according to the distinction between law and equity. That was what was intended to be done. It was not meant that all equitable questions should go to a certain Division of the High Court, but that the business should be distributed most conveniently—the question of convenience being to a great extent determined by the nature of the business and the experience acquired by the different Judges in administering that particular class of business. Under the 36th clause the suitor might commence proceedings in any Division of the High Court he pleased, and if he did so in the least convenient Division it was not of necessity that his suit should be transferred, but power was given to transfer a cause from one Division to another, or to retain it in that in which it had been instituted. Where there were equitable defences the question of transfer was left perfectly at large; but wherever the cause was heard, it would be with all the equities which arose in reference to it. It had been suggested that it would be better not to classify the business according to its subject-matter. The time might possibly arrive when that suggestion could be carried into effect, but he would put it to his noble Friend who made it, and to their Lordships, whether, at the first start of the new system, it would be convenient to send all kinds of business to the High Court generally, without any attempt at discrimination, without reference to its class, the machinery for its disposal, and the experience of the Judges. If free and full option were given to plaintiffs, subject to the general but variable classification, and to the power of transfer, to which he had referred, he thought the business would gravitate very much in its natural direction. If, on the other hand, they established a system of rotation, they would only be forcing men who had experience in a particular class of business to preside in Courts where their want of experience might at the beginning of a new system result possibly in a partial failure of justice. He could not but think that under the Bill there would be abundant opportunity for administering equity in all the Divisions of the Court, while at the same time care was taken to adhere to the natural principles of classification, such as experience indicated as the most convenient to adopt in the first instance. It was also to be remembered, in answer to an objection urged—not in their Lordships' House, but elsewhere—that if they were authorizing Judges to administer equity who were unaccustomed to do so, they were at the same time providing a Court of Appeal in which their decisions might be reviewed. It was a mistake to say that the business was to be decided by Judges of the particular Division to which the cause would be assigned; because under the 39th and 40th sections three Judges of any of the Divisions might sit as a Full Court, the distinction of Divisions being for that purpose disregarded. That was not a convenient time to go into the question of procedure, but he must say that there was great force in the observation that had been made as to pleadings — that the substance of a case should be set forth, while expensive and burdensome prolixity should be guarded against. He hoped in Committee the rules on that subject would be carefully considered with the view, that while they insured to the new Court the benefit of the essential principle of the procedure in equity—namely, a statement of the case on both sides—it should also have the benefit of the comparative brevity adopted in the Courts of Law. It had been objected that the Bill would give to the Prime Minister the patronage now in the hands of the Lord Chancellor. That was not intended to be the case, and the wording of the clause in question should receive his consideration before the Bill reached its next stage. With respect to salaries, no substantial alteration was proposed under the measure. It could not be said that they should pay two of the ordinary Judges of the Court of Appeal more than its other members—they should pay all £6,000 a-year or all £5,000 a-year; and £5,000 a-year seemed to him to be sufficient, and was the amount lately fixed by the Legislature for four of these Judges, under the recent Judicial Committee Act. With respect to the reduced scale of pensions for future Judges, he would only now say, that he had no doubt what had been stated on that subject in the course of the discussion would receive due attention in the proper quarter. With regard to the pension of the Lord Chancellor the case was somewhat different. The Lord Chancellor's pension, which up to 1832 or 1833 had always been £4,000, was at that time suddenly raised to £5,000. It had been urged with some justice, that a Lord Chancellor very seldom resigned except upon compulsion. He should be sorry, therefore, if a Lord Chancellor did not receive a very handsome pension. But at the same time it was reasonable that as long as he enjoyed health and strength he should do what other ex-Lord Chancellors had done, and serve his country as a Judge of Appeal. Of course, he did not propose that this portion of the Bill should have retrospective action, and it would in future be always open to retiring Lord Chancellors who were unwilling to engage in these duties to retire upon the lower scale of remuneration. With regard to what had fallen from his noble and learned Friend the Master of the Rolls, he believed that some laymen, capable of performing the duties referred to by his noble and learned Friend could always be found in that House. There was no doubt that if such men, for instance, as the noble Marquess who had spoken so ably upon this very Bill (the Marquess of Salisbury) could have been induced to submit themselves to judicial training for the purpose of aiding in the discharge of the judicial functions of their Lordships' House their services would have been of great advantage. But the course of events had not led them to submit themselves to that training—to that preparation, and study, and discipline in the matter of law and attention to the proceedings of our Courts of Justice, without which the exercise, on their part, of judicial functions could not be satisfactory;—in addition to which their Lordships had engaged themselves by a self-imposed obligation not to take that course. The public had adopted the same view, and whether it was right or wrong, secession from that position was no longer possible. He then came to the question as to whether there were, or were not, some matters which ought to be carried into their Lordships' House by way of final appeal. What he desired to do in the Bill was to make the Court of Appeal generally final. It had been urged that cases involving property and interests of great magnitude ought to form an exception; but the effect of such an arrangement would be to prevent for the sake of these few and exceptional cases the services of the legal element in the House of Lords from being made available in the Court of Appeal. It would, however, be in no way inconsistent with the Bill if their Lordships should, in Committee, introduce a clause giving in such cases, when decided by a Court composed of too small a number of Judges, the right of re-hearing before a Court more numerously constituted. With regard to the question raised by the noble Marquess (the Marquess of Salisbury) respecting ecclesiastical appeals, he had felt by no means certain that, if he had proposed that ecclesiastical appeals should be submitted to civil Courts, the proposal might not only have been regarded by the clergy as a new and dangerous intrusion of the secular power into the proper province of the Church; and, if so, the odium of the proposal would have been ascribed, and justly, to the Government. If however, his noble Friend could persuade the House and the right rev. Bench that such a course would be wise, he should have no objection to it, and he believed he might say the Government would, in that case, have no objection to it. It was entirely a question to be considered in the interests of the Church; and, for his own part, he had never been able to understand how a Church whose laws were the laws of the land could expect to have the power of administering these laws, without any control or superintendence of a civil Court. It might, therefore, possibly be found acceptable both to the clergy and laity to have a Court of Appeal before which ecclesiastical judgments might be reviewed. With regard, however, to Irish and Scotch appeals, there were constitutional objections to transferring that portion of their Lordships' jurisdiction to what might be represented as an English Court, unless that transfer were made by the desire or with the approval of the two countries. The Act of Union with Scotland expressly provided that no appeals from that country should be decided by an English Court. With that provision standing in the Act of Union with Scotland it would have been a more dangerous question than he should like to raise in this Bill if the Government had proposed to transfer to the new Court of Appeal the power of reviewing the decisions of the Scotch Courts without first ascertaining that such a transfer would be approved by the people of Scotland. A similar objection also applied to Ireland. It could hardly be forgotten by their Lordships that in the last century a sharp controversy between the English and Irish Bar arose out of the authority assumed by the Court of Queen's Bench in England to act as a Court of Appeal in Irish cases. That was ultimately solved in favour of the authority of the Irish House of Lords, and in the Act of Union it was provided that Irish appeals should be brought to the House of Lords of the United Kingdom. If it were now proposed to transfer Irish cases to the Court proposed to be established the Government might inadvertently and unadvisedly revive that controversy which was settled by the Act of Union, and in the ever-varying currents of opinion in Ireland, with the demand for Home Rule, they might have brought a hornet's nest about them if they had raised that question. If, however, Parliament should now establish a Court such as may commend its judgments, its constitution, its wisdom, and its authority to public opinion both in Scotland and Ireland, and especially if the Court should be established in such a manner as to admit of the introduction of the best elements of the Scotch and Irish Judicatures, they might, after ripe experience, look forward eventually to the further development of that as well as of other parts of the measure. At present it seemed better that their Lordships should begin to do what they saw to be practicable, hoping that if the new Court began well all further improvements would in the result naturally follow, seeing that such improvements, once begun, had a natural tendency to increase and develope themselves.

On Question, That ("now") stand part of the Motion? *Resolved* in the *Affirmative;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on Thursday next.

House adjourned at half-past Seven o'clock, to Thursday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 11*th March*, 1873.

MINUTES.]—Public Bill—*Second Reading*—University Education (Ireland) [55], *negatived.*

UNIVERSITY EDUCATION (IRELAND) BILL—CLAUSE 11 (DEGREES).

QUESTIONS.

Mr. MACFIE asked the First Lord of the Treasury, Whether the degrees of Bachelor and Doctor of Divinity are among the scholastic titles referred to in Clause 11 of the University Education (Ireland) Bill; and, if so, whether the Colleges of the Episcopalian, Presbyterian, Methodist Churches, and of the Roman Catholic Church, might in his belief, if the Bill becomes Law, legally confer these titles, honorarily or otherwise, on co-religionists who had not educated in Ireland, and are resident in other parts of the United Kingdom; and if, not so, who might?

Mr. GLADSTONE: Sir, my hon. Friend has put to me a question which possibly he might have put with more advantage to my hon. and learned Friend the Attorney General, inasmuch as it turns upon the legal effect of a clause. On that I will not undertake to answer him. But I will say that the intention, not of Clause 11, but of another clause, I think Clause 16, is to provide against the inconvenience that might arise if, in consequence of the removal of the theological Faculty from Trinity College, Dublin, the ordinary usage with respect to persons of certain standing or acquirements in theology—the usage, I mean, of marking their names with the addition of a sign of a degree—were to be interfered with; and the intention is that that clause applying to all denominations alike should place people in a condition in which without fear of being charged with breaking the law they may, if they please, grant those designations to such persons as they conceive to be worthy of them, subject only to the condition that they shall indicate the source from which the designation comes, lest it should be the means of deceiving anyone as being used by those who are not competent to give it.

Mr. MACFIE asked, whether Trinity College, in its re-constituted state, would be the only body empowered to grant those degrees; and whether they might be conferred upon persons resident in England and Scotland?

Mr. GLADSTONE: If my hon. Friend will only read the clause, he will obtain a much better answer to that Question than I can give him.

LANDLORD AND TENANT BILL.

QUESTION.

Lord ELCHO asked the hon. Member for Bedford (Mr. J. Howard), Whether he intended to proceed with his

Landlord and Tenant Bill for England on Tuesday next. The measure had only been placed in the hands of hon. Members yesterday; and, as it made some very serious alterations in the relations between the landlord and tenant in this country, he hoped that the hon. Gentleman would afford the House longer time for its consideration before he moved the Second Reading?

MR. J. HOWARD said, he was afraid, having regard to the state of the Order Book, that if the business which had precedence of his Bill on Tuesday next terminated at a reasonable hour, he must avail himself of the chance of explaining the principles of the Bill.

UNIVERSITY EDUCATION (IRELAND) BILL—[BILL 55.]

(*Mr. Gladstone, The Marquess of Hartington.*)

SECOND READING. ADJOURNED DEBATE.

[FOURTH NIGHT.]

Order read, for resuming Adjourned Debate on Amendment proposed to Question [3rd March], "That the Bill be now read a second time;" and which Amendment was,

> To leave out from the word "That" to the end of the Question, in order to add the words "this House, while ready to assist Her Majesty's Government in passing a measure 'for the advancement of learning in Ireland,' regrets that Her Majesty's Government, previously to inviting the House to read this Bill a second time, have not felt it to be their duty to state to the House the names of the twenty-eight persons who it is proposed shall at first constitute the ordinary members of the Council," — (*Mr. Bourke*,)

—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

COLONEL WILSON-PATTEN said, that, believing it to be the general wish that the debate should be brought to a conclusion that night, and having ascertained that many of the Irish Members were anxious to address the House, he would only trespass upon their attention for a short time—indeed, after the searching debate that they had already had, he should have been glad to give a silent vote, and thus to allow more time to other hon. Members more immediately interested in the subject to make such remarks upon it as they might think fit:—but having heard such unusual doctrines put forward—and especially by hon. Members of the Government in the course of the debate, in respect to the rule and practice of the House in connection with the second reading of Bills, he felt himself called upon to trespass for a few moments upon the time of the House, if only in defence of the vote he was about to give. He had listened with the utmost attention to the speech of the right hon. Gentleman the Secretary for War who preceded him in this debate, and he was happy to say that he was able to concur with him in many of his remarks. Indeed, there were some objects which his right hon. Friend had in view upon which he (Colonel Wilson-Patten) so cordially agreed with him, that it recalled to his recollection those days when his right hon. Friend and himself were in the habit of acting more in accord with each other than they were at present. As to their points of agreement—he concurred with his right hon. Friend that if they could succeed in establishing a system of University education which would be accessible to all Her Majesty's subjects in Ireland without danger to the religious professions of any of them, it would be a benefit to the country difficult to exaggerate. If, however, in attempting to deal with this subject they opened the door to increased agitation and to increased sectarian animosities or religious dissensions, then he would say that the injury which it would inflict upon the country would be also difficult to exaggerate. He concurred with his right hon. Friend in thinking that the new University should be open to all parties from whatever quarter they came; and that the object of the University should be perfect neutrality: he differed, however, from him in thinking that this Bill would establish such a desirable state of things. His right hon. Friend had also stated on behalf of the Government that this University would be one for examination as well as for teaching. He did not know that any person objected to this proposal, except some hon. Members who sat in immediate proximity to him on the Treasury bench, one, at least, of whom he believed entertained a very strong opinion against its being a teaching University.

He entirely agreed with that part of the Bill which included Science in the *curriculum* of the University. He only regretted that when the First Minister of the Crown introduced this measure to the House he should have cast some little slur on the Chairs of Science in the Queen's University, and especially on those of Galway College. He believed that if one thing could be more beneficial than another to Ireland, it would be the institution of Chairs of Art in the various Colleges or in the University proposed to be established, and to his mind, it was impossible to exaggerate the importance of affording free access to students for the study of medicine. Having stated the points in which he agreed with his right hon. Friend, he would now proceed to state those parts of the Bill in respect to which he differed from him *in toto*. First, he differed from him in the opinion he had expressed, that this Bill was likely to effect all the objects which the Government had in view. He was surprised to hear his right hon. Friend resorting to certain arguments in order to conciliate in favour of the measure the hon. Members of that party who were generally supposed to act with the Government. His right hon. Friend used these words—"Will you pay so little respect to the Speech from the Throne as to stop the further progress of a measure recommended to your notice in that Speech." He (Colonel Wilson Patten) could only say that that was the very first time he had heard any hon. Gentleman, especially a Member of the Government, say that hon. Members of the House would show either respect or disrespect to the Speech from the Throne by the votes they might give on any particular question. When he gave a vote there he hoped he gave it with independence and a determination to promote the best interests of the country. The House of Commons were the great Council of the nation, and when any subject was recommended to them from the Throne, they did not consider that they were showing any disrespect to the Crown by their opposition to the particular scheme of the Government. He was the more surprised to hear his right hon. Friend lay down such a principle when he recollected that when he and his Colleagues were in office, Her Majesty's present Ministers did not seem to be at all governed by that principle in the conduct they pursued in that House, the Speech from the Throne having very little influence indeed with them. In the dilemma in which the Government found themselves, his right hon. Friend also laid down this equally extraordinary doctrine. He said—"No hon. Member is to be committed by voting for the second reading of the Bill."

Mr. CARDWELL: What I said was I hoped I should be able to show that the parts of the Bill which have been more particularly criticised were not points to which any hon. Member would be fettered in Committee by voting for the second reading of the Bill.

Colonel WILSON-PATTEN said, he thought he had taken down his right hon. Friend's words correctly. At all events, he told the ordinary supporters of the Government that no hon. Member who gave his vote for the second reading would incur any responsibility in regard to the measure itself by that vote. He did not deny that hon. Members were not strictly bound by any particular rules in voting for the second reading of a Bill; but he held it to be the rule and common practice in the House that if any hon. Gentleman voted for the second reading of a Bill he virtually gave his approval to the essential principles of it. That was, he believed, the uniform practice. Now, what were the essential principles of this Bill? He had great difficulty, he confessed, in coming to a conclusion upon this point. He had heard the speech of the right hon. Gentleman in introducing this measure; and it appeared to him that there were several principles laid down which the Government then thought were of the essence of the Bill; but in the course of the discussion which had since taken place, those particular points had been given up one by one as not deemed to be of the essence of the Bill until very little now remained. He would, however, mention what appeared to him to be the main principles of the Bill. They were very simple. He held one of the main principles of the measure to be the destruction of the old University of Dublin, of Trinity College, and of the Queen's University, and in lieu of them the establishment of one new University. The second principle was the constitution by which the new University was to be governed. There could be no reasonable doubt that those were essential parts of the Bill upon which hon. Members should be guided in their votes upon the second reading. He would take the case of the Queen's University. He could only say that he for one would never consent to the abolition of the Queen's University, at any rate until they saw a better foundation laid for the new University that was to be substituted for it than that described in the measure of the Government. Neither could he agree to the destruction of Galway College, or to the affiliation of those Colleges which they were told were to form a part of the new institution. Until he saw the new University established upon a foundation more sure, less liable to change, and less likely to be the cause of religious discord in the country, than that provided by the present Bill, he should give the measure his strongest opposition. He thought he saw the prospect—at least the possibility—of the Queen's Colleges being the only refuge for independent instruction throughout the whole of Ireland. He was unwilling to say a word against those who differed from him in religion. But looking at the anathemas put forward by some of the Irish Prelates against those persons who availed themselves of the advantages of the present mixed system of education in Ireland, he considered that all independent instruction might soon be at an end if those Prelates were to have a predominant power in the University of Dublin. That might be an unfounded impression on his part, but he had seen with deep regret those denunciations of the Roman Catholic clergy, and their effects upon the laity in Ireland; and they induced him to take much greater precautions in the establishment of a new University in that country than he otherwise would be disposed to take. He represented the county of Lancashire, in which, he believed, there were more Roman Catholics than were to be found in any other county in England—perhaps more than were to be found in all other parts of England put together. He ventured to say, too, that he lived on the best terms with them; he associated with the higher classes of Roman Catholics; some of his friends were amongst the Catholic priesthood; and, indeed, he thought he could number his friends in every class of that religious persuasion. He would further venture to say, from his close association with them, such denunciations as those which had been put forth in Ireland in regard to the education of the people would never find utterance amongst the Roman Catholic Bishops or clergy of Lancashire—or, even if they did find expression in the mouths of any of them, they would not be attended to. The Roman Catholic clergy there were just as careful of the morals and education of their youth as they were in Ireland or any other country. But, knowing several of the Roman Catholic Bishops in England, he was convinced that such denunciations as those referred to would never find an echo on their parts. It might be an idle fear on his part; but in the presence of those denunciations of some of the clergy in Ireland, he felt no hesitation whatever as to the vote he would give in respect to the establishment of a new University. He agreed in every word that had been stated by the senior Member for the University of Dublin (Dr. Ball) with respect to the Governing Council of the proposed University. He could not imagine how anyone who looked at the present state of Ireland and saw how it was divided by religious and political parties—the acrimony with which everything connected with religion and politics was carried on—that any body could, without much hesitation, agree to a Governing Board such as that contained in the Bill. It would be an impossibility for the Prime Minister to place on the Table of the House the names of 28 distinguished men, about whose decisions there would be that certainty that was absolutely necessary, before a Governing Body for the University could be constituted. He could not consent to the establishment of a Council to be founded in the manner proposed by the Bill. He gave his right hon. Friend every credit for good intentions. The judgment, however, of an individual was one thing, but it was quite different in the case of a Prime Minister surrounded by all the influence of party in a country like Ireland; and it was no libel to state that it was subjected to external influences, such as those who knew anything about the government of Ireland were conversant with. When he considered that the education of Ireland was at stake, it was not too much to say that he had no confidence in such a Council to be appointed on the responsibility of that House for the government of the new University, and he should give it his most strenuous opposition. There had been a great deal of misrepresentation on both sides with regard to the institution of a Chair for Modern History and Philosophy. He did not agree that it was prohibited; but he felt surprised that a Government, composed like the present, should have put into the Bill a clause that might lead, not only Ireland and England, but the whole world to form an erroneous opinion as to the real feeling of the country on the point. The clause which the Government had put into the Bill threw discredit on it by the mode in which it connected the Chair of Modern History and Philosophy with the University; and, if passed, the only construction that he could put upon it was that Parliament did not attach much importance to the study of Modern History and Philosophy, which was so highly estimated in the other Universities of the world. He quite understood and appreciated the motive for inserting the clause in the Bill; but he was surprised that the Government should have been guilty of the inconsistency, when establishing a University for Ireland, of depriving the Council of the power, if they thought fit at some future time, of establishing a Chair of Modern History and Philosophy on the same footing with other Chairs. His right hon. Friend the Member for the University of Dublin (Dr. Ball) had stated that amongst his Roman Catholic friends there were many who looked back on their education in Dublin University with the greatest pleasure, and it was to be regretted that the branch of education in which they distinguished themselves was to be dealt with in the manner proposed. The question now was what the Government considered the principle of the Bill. Almost every hon. Member of the Government who had spoken had, one by one, and night by night, explained away every provision of the Bill that was supposed to be the essence of the measure; but up to 12 o'clock last night one principle stood out like a rock at sea as the essence of the Bill—namely, the constitution of the Council; but even that was given up, and there did not now remain one point which the Government considered as of the essence of the Bill except, perhaps, the 10th clause, and the 10th clause was taken from the Bill of the hon. Member for Brighton (Mr. Fawcett). If that clause was to be regarded as the principle of the measure under discussion, why was not the Bill of the hon. Member allowed to pass? Why was it that having opposed that Bill last Session they now intended to adopt it as part of the Bill the House had now to consider. He had given the Bill his best consideration, not as a party measure, but with the view of voting for a Bill calculated to promote the higher education of the people of Ireland irrespective of party consideration; but thinking this measure would not carry out what he believed to be the object of the Government—a good University education in Ireland—no other course was left to him but to oppose the second reading of the Bill.

Mr. O'REILLY said, he had learned with surprise many circumstances in connection with education in Ireland of which he was ignorant until then. The right hon. Gentleman the Member for Liskeard (Mr. Horsman) had said that not a single county meeting had been held in Ireland to petition Parliament against the present state of education in that country. Now, he had himself attended and spoken at two, and he had read accounts of at least 20 more. The right hon. Gentleman had also said that mixed education in Ireland was supported by all the professional laity—the educated classes, merchants, and traders. Until then he had conceived that men like himself and the hon. Members for Dublin and Tipperary might consider themselves as coming under the description of the educated classes, and he was under the impression that a Petition had been laid on the Table of the House, signed by every Roman Catholic Peer, baronet, magistrate, member of the learned professions, and county gentleman against mixed education. He had also learned from the noble Lord the Member for Calne (Lord Edmond Fitzmaurice) that the diminution in the number of University students in Ireland was accounted for by the diminution of the population by emigration; but it was the first time that he had heard that the University students came from the poorest classes. He had also learned a stranger fact still from the hon. Member for Brighton (Mr. Fawcett) and the hon.

Member for the University of Edinburgh (Dr. Lyon Playfair), that the Roman Catholics of Ireland loved nothing so much as the Queen's Colleges; or in the words of the noble Lord the Member for Calne, that the Queen's Colleges "had won for themselves a place in the affections of the Irish people." If it were so, the Irish people had the strangest way of showing their love by deserting these Colleges and demanding their abolition. There were Roman Catholics who, like himself, had sons to be educated, and he had no doubt they would do as he himself had done, leave their country to be educated, because they could not find in Ireland the education they desired. The Queen's Colleges were empty, and English Members who had never put their foot in Ireland could not convince him that the people of Ireland had what they had not. But the want of University education and University honours was not felt chiefly by the wealthier Roman Catholics, for they were able to go elsewhere, but by the lower-middle and lower classes of Roman Catholics. He did not wish in any way to overstate the case, and would not undertake to assert that the Roman Catholics of Ireland comprised half of the more wealthy classes of the country; but they were every day rising in prosperity, and farmers, both large and small, were every day seeking for a higher and better education for their sons. Within the last 20 years the number of upper classical schools or Colleges founded and supported by the Roman Catholics and frequented largely by the sons of small farmers had been increased by more than 10; and as for the older schools, such as Carlow and Clongowes, the students in them had doubled. The hon. Member for the University of Edinburgh (Dr. Lyon Playfair) had stated that it was a peculiarity of the Scotch that so many of the poorer classes among them sought to rise in the world by means of higher education. He could assure the hon. Gentleman that this was the case in a very marked manner in Ireland. The number of young men who were striving to rise by means of education in Ireland was astonishing. One could not enter a National School without meeting with two or three boys who were studying advanced mathematics with that object; and on going into some of the public Departments in Dublin lately, he found that there were students of Trinity College there working their eight hours a-day as writers, in order to earn a living and enable them to keep their terms in the College. He also found boy writers there who had obtained such education as was open to them in the best Roman Catholic schools—those of the Christian Brothers—and who told him that they were now earning their living and improving themselves as well as they could, until they could scrape enough of money together and were sufficiently advanced in years to go away and complete their education in order to compete for situations in the public service. If such lads as these did not fill existing institutions it was because they did not like them, and where there was one Roman Catholic now at the Queen's Colleges, there would be 20 if they approved them. The hon. Member for Brighton (Mr. Fawcett) was eloquent in his denunciation of the Government for the constitution proposed to be given to the new University, and railed at them because the Council was to be appointed by the Executive Government, who were directly responsible to Parliament. But he would ask the hon. Member who was it that appointed the first Senate of his own beloved Queen's University? The Lord Lieutenant of the day. Who was it that appointed the Professors in every Queen's College? The Lord Lieutenant of the day—"the ephemeral representative of political subserviency." ["Oh, oh!" and *laughter.*] These words were only a quotation from the hon. Member for Brighton. The Queen's Colleges, except Belfast, he could undertake to prove had few *bonâ fide* students, save those they bribed with scholarships, and further that the education which they gave was miserably low and deficient. With regard to the profession of the law, did anybody believe that a law student went down to a small town in the West of Ireland to study law for his advancement at either the English or Irish Bar? What he did was this—He passed his matriculation, put down his name as a student, and competed for one of the junior legal scholarships, for which the competition was very small indeed. He then obtained a certain number of pounds every year, and was under the obligation of attending certain lectures given by a practising barrister from Dublin. In the case of the medical student, he found that he paid a sum of £13 10*s.*, was supposed to attend four classes of lectures, and went up for examination at the Queen's University, and there got his degree as doctor—the very thing he wanted, and which he could obtain only through this almost nominal attendance at a Queen's College—whilst he received the education which enabled him to pass almost entirely elsewhere. The hon. Baronet the Member for Dublin (Sir Dominic Corrigan) had students who had acquired their education in medicine under him, and received their whole *bonâ fide* education in Dublin; they had put their names down as students at Cork or Galway, but barely attended the courses of lectures for which they had paid there. [Sir DOMINIC CORRIGAN begged to observe that he never said anything of the kind.] He (Mr. O'Reilly) never said that his hon. Friend had stated so. He repeated what he knew to be a fact—that students obtained their medical education in that way, and graduated at the Queen's University as from Galway. He could give the names of many medical men who had received their whole education in the Catholic University, but had graduated as from Galway, Cork, or Belfast. Some of the lectures at College were attended, others were not—whether it was a case of *ægrotat* or not he would not undertake to say. The boast made on the part of the Queen's Colleges when they paraded such students as their *alumni*, reminded him of the method of rendering a barren tree fruitful by grafting, as described by Virgil—

> "Aut rursum enodes trunci resecantur, et alté
> Finditur in solidum cuneis via: deinde feraces
> Plantæ immittuntur; nec longum tempus, et ingens
> Exiit ad cœlum ramis felicibus arbos,
> Miraturque novas frondes et non sua poma."

His hon. and learned Friend the Member for Denbighshire (Mr. O. Morgan) deprecated lowering the standard of University education to the level of Stonyhurst. He (Mr. O'Reilly) had not the honour to be an *alumnus* of Stonyhurst; he came from a College (Ushaw) which he supposed the hon. Member would class with Stonyhurst, but which numbered amongst its members Lingard and Wiseman, names which he believed would reflect at least as much honour on Ushaw as that of his hon. and learned Friend on Baliol. But he knew that the students of Stonyhurst competed every year in the London University with men from the best Colleges in England, and invariably ranked high; they had repeatedly carried off both the classical and the mathematical scholarships, and he had that very morning been informed by the University authorities that the Stonyhurst students were amongst the very best prepared men who came up for their degree. He would quote from a Return, obtained on the Motion of the hon. Member for Roscommon (The O'Conor Don), which showed that at Galway College, from 1851 to 1866, there had been, for the first year, 50 students and 48 scholarships; next year, 40 students and 45 scholarships; third year, 41 students and 37 scholarships; fourth year, 46 students and 37 scholarships; fifth year, 42 students and 37 scholarships; and sixth year, 36 students with 37 scholarships. In Cork there was an average of three scholarships for every four students. He next proceeded to show that the education received was scandalously deficient. Taking first the matriculation examination, and quoting the evidence given before the Royal Commission, one Professor stated that the students' knowledge of German was *nil.* As to modern languages, and as to French, the Professor of Modern Languages said very few of them had ever seen a word of French in their lives. The Professor of English Language and Literature said—"I could hardly insist on any student being rejected, however great his deficiency in my department." Such were the students at matriculation. Then came the "first University examination," or "little go," the standard for which was not higher than the London University matriculation examination. For this a little Greek and Latin were required; but after this preliminary examination these subjects might be dropped, and a student might pass his B.A. examination by passing in English, French, and German; or in chemistry, zoology, and botany; or in English and chemistry; or in experimental physics, French, and logic. Why, he had known a boy of 14 who could pass this examination in English, French, and German. Nor was the standard of examination, as indicated by marks, at all severe, for while at London at the matriculation examination the highest number attainable was 2,800, and the number required for honours 1,800, in the Queen's University, in 1869-70, at the "first University examination," the number attainable was 124, of the 82 students, 21 passed with honours, the highest honour-man got 75 marks, and the two lowest honour-men passed with 15 marks; 24 passed with less than these 15 marks, and 20 were plucked. And this was the instruction which was spoken of as elevating the standard of education in Ireland. He hoped Stonyhurst would never be degraded to the level of the Queen's Colleges. He did not defend the Government in the exclusion of Modern History and Mental Philosophy from University studies, for Roman Catholics did not reject them. The name of Lingard vindicated them from the charge of ignoring History; and they would never disregard Mental Philosophy, but they would not have it taught by a Strauss, nor even by Bain. They did not shrink from enlightenment and science, but they wanted the teaching of it to be full and complete, and that he desired to say was one of the main reasons why Catholics objected to institutions for mixed education. He did not undervalue the force of the objection which it was the peculiar duty of the ecclesiastical authorities to enforce—namely, the danger of religious indifference. He said religious indifference, for he had never known a strong and earnest conviction of a new religion produced in such institutions. But the most sweeping objection to such institutions was that, guard it how you might, the system was fatal to all full, complete, and earnest teaching of these great subjects. How was it possible for a Professor of Mental Philosophy to teach the nature of the human soul if, out of respect to the different opinions of his hearers, he was not to touch on the controverted doctrines of Free-will? How was the Professor of Ethics to teach, if he was not to inculcate the utilitarian theory of Paley which Catholics rejected, nor to refer to the divine basis of morality which others refused to allow? This independent and free teaching must be confided to the College. Protestants would not send their children to a College in which Modern History was taught by a Lingard, and Mental Philosophy by a Dr. Newman; in which a Cardinal Wiseman lectured on the connection of science with revealed religion. Just so, Catholics would not frequent a College in which Modern History was taught by a Hume, Mental Philosophy by a Compte or a Strauss, and the relation of science and religion taught by Darwin or Huxley. Imagine a united College in which the Chair of Irish History was held conjointly by Mr. Froude and Mr. Prendergast. He now came to the question immediately before the House—namely, the second reading of the Bill. The principle of the Bill as stated by the Prime Minister was the institution of one National University, in which all others were to be merged, and in which every different system of teaching, whether in united Colleges or in Colleges mainly Protestant, or Colleges purely Catholic, was to stand on a footing of perfect equality. There was an absence of equality in the matter of endowment; and he confessed he admired the imperturbable calmness of the noble Lord the Chief Secretary for Ireland, who, with a gravity worthy of Lord Thurlow, said that petty questions as to money could not enter into equality. He (Mr. O'Reilly) did not underrate the importance of equality on the subject of endowment, but he was prepared, reserving the question of endowment, to support the principle of one National University for Ireland, with equality to all teaching institutions in it, by his vote on the second reading. The statement, however, of his right hon. Friend the Secretary for War last night put an entirely different aspect upon matters. His right hon. Friend still spoke of the establishment of a great National University, but he left out the words of the right hon. Gentleman at the head of the Government, to the effect that it was to contain all those varied elements which would deserve for it the title of a truly National University. The right hon. Gentleman the Secretary for War said the whole question of the representation of Colleges was an open question; and he (Mr. O'Reilly) took it that whatever his right hon. Friend said was not essential, was to be, or might be, abandoned. The University, his right hon. Friend continued, was to be absolutely free from all denominational connection, and he stated that even the merging of the Queen's University in this new National University was not of the essence of the Bill. He (Mr. O'Reilly) had always objected to the teaching functions which it was proposed to confer on this new University, because it would be in some respects the establishment of what might be called a fourth Queen's College, and would, like all such institutions, be injurious to the fulness and completeness of education; and the feature to which he most objected was, according to his right hon. Friend the Secretary for War, to be retained in the Bill. He (Mr. O'Reilly) regretted much the decision at which he had been forced to arrive. He had hoped that the right hon. Gentleman at the head of the Government would have fulfilled the undertaking of his opening statement—"that having determined to grant measures of equality, the Government resolved not to stint their action when they came to the execution of that which they had announced to be their intention"—that he would have risen to the height which he reached in the Church Bill; and that if there was not to be endowment, he would have adopted the principle of equal disendowment with no favour to any; and that he would have founded one National University, the prizes in which would be open to all without distinction. That controversy would never be terminated except by equal and complete justice to all. Thus, too, would academical learning be best promoted in Ireland by leaving the various systems free alike from the tutelage and the patronage of the State, to develop themselves, and in the light of open and equal competition to seek and deserve public favour and support. Nor let it be said that that would be but to perpetuate discord, and that the only way to promote harmony among Irishmen was to compel all to submit to a system of education in which differences were hidden because all distinctive opinion was ignored. Dull and enforced uniformity was not harmony. Harmony in life, as in sound, was the blending of various but not jarring tones in one whole. The meeting of the various schools of thought on a common ground would produce that mutual respect which was true harmony; and the result would be what our national poet desired for his country, when he wished that her various elements of social life should be, not lost in uniformity, but harmonized like the prismatic colours—

> "And like the rainbow's light,
> Her varied tints unite,
> To form in Heaven's sight
> One arch of peace."

MR. RAIKES said, that, as a member of the most illustrious and liberal educational institution in this country Trinity College, Cambridge, he could not assent to a measure which would impair the usefulness or efficiency of a great sister institution. In common with many hon. Members on both sides of the House, he had awaited with no common interest the appearance of the right hon. Gentleman at the head of the Government in the character of a constructive reformer. They had been sufficiently familiar with his propensities in an opposite direction. There were those who ascribed to the Prime Minister something of a divine mission; but he (Mr. Raikes) was bound to say that if he looked upon him as the minister of the Divine will, it was rather as the Angel of Death than as the regenerator of society. When the measure was introduced, and when they found that it only absorbed two Universities, destroyed one College, and taxed another to the amount of £12,000, there escaped from those benches a sigh of relief. Trinity College was still to survive, and Cork and Belfast Colleges were to be left, because, though comparative failures, they had not failed sufficiently to bring them under the axe. when they came, however, to the constructive part of the Bill, it was then that the feeling of dissatisfaction, which commenced on the other side of the House became contagious and spread to this. He was willing to appreciate as much as possible the Roman Catholic grievance, and to admit that the existing educational facilities did not altogether meet that grievance. A Catholic might obtain a University degree at present either at Trinity College or at the Queen's Colleges; or, if educated at a purely denominational College, at the University of London; but neither of these three means altogether met the case of a parent who desired for his son not merely a degree, but collegiate associations and training. The removal of the Roman Catholic grievance was beset by two great difficulties, which had been mainly created by the Government themselves. The first was to be found in the course which they had pursued with regard to University education in this country. If the right hon. Gentleman had been content to limit the scope of the English University Bill to the Universities, and not to extend it to Colleges, he would have been in a much better position to deal with this question. Had not the right hon. Gentleman been in such a hurry to accept the proposal of the hon. Member for Brighton with regard to the English Universities he would have approached this question with comparative ease; but what he was perfectly ready to take from the Church of England in this country he could scarcely agree to give to the Church of Rome in Ireland. The other difficulty was connected with the question of religious equality—a principle which had been discovered and patented by the right hon. Gentleman. He (Mr. Raikes) hoped that before the debate closed they would obtain some more accurate definition of the term than they had yet received. Did it mean that they were all to be equally religious, and that the right hon. Gentleman had some high standard to which he hoped, by legislation and example, to raise the people of this country; or did it mean that equal apostolic poverty was to be applied to all religious denominations? There were two sides to this religious equality. They might have equal endowment or equal disendowment, and the authors of this Bill deserved credit for the cleverness with which it had been made to appear to produce the effect of disendowment, while there was a prospective endowment for some of these denominational Colleges sufficient to satisfy those who agreed with the hon. Gentleman who had last spoken — the hon. Member for Longford. The concessions which had been made were not very satisfactory, inasmuch as they might all reappear in Committee as being essential to the Bill and vital to the honour and existence of the Government. It might scarcely be worth while to waste much time on those provisions which, if not positively abandoned, were yet universally condemned. Still, he should like to know who was the author of the "gagging" clauses, which, in a double sense, had been thrashed out in the course of this discussion. Were they to be attributed to the present Lord Chancellor, who had proposed something of the same kind as a compromise on the English University question, or were they, as recent events would lead them to believe, to be attributed to the agency of the Lord Chamberlain? The right hon. Gentleman the Secretary for War told them that the great object of this Bill was to separate the University of Dublin from Trinity College. If that were so, it would be better for the Government to abandon the Bill, and proceed by a series of abstract Resolutions—for many persons would support an abstract Resolution for the separation of Trinity College from the University, who would not vote for the concrete proposals in this Bill. It appeared that there was one vital principle in the Bill, and that was that Professors would still be retained in the new University. He should like to know how long they were to be retained in the new University, seeing that there would be no one to teach. Were these highly salaried officials to be kept merely to conduct examinations, which were now carried on without expense to the country by the University of London? With regard to the constitution of the Council he asked why the Government should have taken upon itself the difficult task of providing for the future government of the University a Council which was to satisfy all shades of religious opinion. Why should they not have adopted the existing machinery, provided by the University of Dublin and the Queen's University, with a third element, nominated by the Government, which might fairly claim to represent the persons to be in the future introduced within the University? Suppose it was necessary, in the view of the Government, to amalgamate the Universities of Cambridge and London, and to affiliate to them the numerous diocesan Colleges throughout the country, would it not be an intolerable grievance that Cambridge and London should be governed by Crown nominees and the delegates of St. Aidans and St. Bees? The thing would be impossible. It would be beyond the wildest dreams of the most revolutionary reformer. But why were we, because Ireland was a little further off, and Dublin had fewer Parliamentary *alumni* than the Universities of Cambridge and Oxford, to be treated as the Bill pointed out? As to the proposed affiliation of the existing Colleges besides the Roman Catholic College in Dublin, he could see no purpose in the affiliation of them, except the crowding of the Council with a number of persons to represent education, many of whom could not be compared with the teachers of our best private schools. Then there was a question of the allocation of endowments. With regard to this, he might say that he did not grudge the £12,000 a-year. But there was an element of future injury to the University, and that was in the clause providing that no student should enjoy an emolument coming from one College or institution if he enjoyed it from another. They would find that the University scholars would be pointed at as young men who were unable to obtain prizes in their own Colleges. Surely this was a *reductio ad absurdum* of the theory of a University. He made no objection to to the Prime Minister so framing his handicap as to make a fair race, even by a large breeding allowance to maiden colts from Roman Catholic training establishments. But he did object to a system of "weighting out" the best competitors. He admitted that Catholics did feel a grievance, but there were grievances with which it was not well that Parliament should interfere. He believed there were some Quakers who had conscientious scruples against contributing to the support of the Army or the Navy, but he had not heard that it was the duty of any Government to bring in a Bill to relieve those persons from the duty of contributing their *quota.* This grievance of the Roman Catholics was smaller than the public believed. It was not so much a religious as a political grievance. The Roman Catholic hierarchy told the Roman Catholic parents that it was their duty to prevent their children being contaminated by Protestant teachers and Protestant pupils. The Vatican had declared itself hostile to the progress of modern ideas, and therefore Roman Catholic children must be restrained from getting any acquaintance with modern ideas. Would Parliament meet the objections of the Roman Catholic hierarchy to modern ideas by establishing the proposed University, and encourage the teaching of ideas which struck at the root of all liberal government? The right hon. Gentleman had created for himself a bugbear of Protestant ascendancy. This was the monster whom he had vowed to annihilate. But he seemed scarcely to have realized what Protestant ascendancy had come to signify in modern Ireland, or that the bugbear of his fancy was the only substantial bulwark which had been reared by patriotic statesmen and English traditions to protect the liberty of conscience and the security of property. He called it the Upas tree of Ireland. This was the third branch of that Upas tree of which the right hon. Gentleman had spoken. Two had fallen under the axe, but the last seemed likely to involve others in its ruin. Well might the right hon. Gentleman use a quotation from a Latin poet with which he was familiar, only altering one word—

> "Te triste lignum, te caducum
> In domini caput *occidentis.*"

But the day of Protestant ascendancy in Ireland was past. The light which was ushered in by the Reformation had ceased to shine. It had witnessed many a strange and sad spectacle, but still it had been light. The sun had now set. The twilight was creeping on. But among the shade of the gathering gloom the ancient University of Dublin—

> "Like the weak worm that gems the starless night,
> Moves in the scanty circlet of its light.
> And is it strange that he withdraws the ray
> That guides too well the night birds to their prey?"

MR. BOUVERIE: Sir, I agreed with a great part of the very powerful and able speech of the hon. and learned Member for Oxford (Mr. Harcourt). He showed that the details of this Bill were bad, and yet he came to the conclusion that he should support the second reading. I entirely agree in the view which he took of the Bill. I think it is a bad Bill. I think that for the purposes for which it was intended it is a "miserably bad" Bill. I think that it is a "scandalously bad" Bill for effecting the objects which the right hon. Gentleman said he had in view—namely, the promotion of higher education, the development of civilization, and the extension of religious peace and harmony in Ireland. My hon. and learned Friend the Member for the City of Oxford said he intended to vote for the second reading, because he had a vision of something to which this Bill might be turned. Now I intend to give my vote against the second reading of this Bill. That, I think, is the proper and legitimate conclusion at which every hon. Member who, in the exercise of his judgment, regards it as a bad Bill, is bound according to the rules of the House to arrive. When my right hon.

Friend (Mr. Gladstone) dealt with this difficult question as a practical one of politics he undertook the solution of a problem which it was inpossible for a statesman even with his power in this House, and with his genius and ability, successfully to solve. Is not that the conclusion at which the Government have arrived, after three nights' discussion of this Bill? Did not the Secretary for War (Mr. Cardwell) practically inform the House that the Bill which the Government had produced was one which had failed, which they could not maintain in the face of criticism in this House, and which must be altered in all its material parts? That is the admission made by my right hon. Friend, and made, no doubt, after consultation with his Colleagues—that in the measure they proposed to the House they had failed to achieve the success which they anticipated when they introduced it three weeks ago. Among many conditions of success to a measure of this kind there is one which appears to me to be essential, but which as far as I have been able to discover, whether from the ordinary organs of public opinion out of doors, or from the mouths of representatives here, is signally wanting with reference to this measure — namely, that it should be accepted by those to whom it is addressed. Now, out of doors there has been a chorus of dissent on the part of Irishmen of all classes and of all degrees—Catholics, Protestants, Episcopalians, Presbyterians, Prelates, and Ministers—as well as of hon. Members from the sister country in this House, all singing one song of condemnation of this unfortunate Bill of the Government. Is it possible, then, to suppose that a measure, propounded as one of conciliation between classes and of compromise between opposite and hostile opinions, can by any conceivable contrivance be made a successful measure when everybody who is interested in it repudiates it? The hon. Member for Longford (Mr. O'Reilly), who, according to his own statement, was one of the few Roman Catholic Members who were disposed to accept the Bill, has just told us that in consequence of what has taken place within the last 24 hours in this House, he is no longer able to support the Government, and that those who think as he does will be bound to oppose the second reading. Clearly, then, those who are mainly interested in this Bill reject it. There is little chance, therefore, of its answering its intended purpose, and serving as a message of peace in Ireland. It is difficult to discuss this Bill, because in point of fact we do not know what it is. I object altogether to the process which is suggested by my right hon. Friend the Secretary for War, I suppose with the concurrence of his Colleagues. Their Bill has failed. It has gone to Hades. And now my right hon. Friend is endeavouring to cast upon the House the duty of framing the Bill which they undertook to frame. Is that a proper position in which the House of Commons should be put? And is it possible in the conflict of various opinions which are entertained upon all sides of the House on this subject that the House of Commons can construct a satisfactory measure out of a sheet of blank paper? My noble Friend the Member for Calne (Lord Edmond Fitzmaurice), in the able speech he made last week, talked of "a dummy Bill," because the Council were not named in it. But what is the measure now? The whole Bill is a sheet of blank paper upon which the House of Commons is invited to inscribe what should be the proper mode of promoting University education in Ireland. I say, without reference to either side of the House, that this is a task which the right hon. Gentleman has no right to impose upon us. It is one which we cannot perform. It is a duty which he and his colleagues have undertaken to discharge, and it is one which it is their bounden duty to fulfil as best they may. As I said, it is difficult—very difficult—under present circumstances to make out what the essence of this Bill is. We have been told a great many things which are not of the essence of the Bill. The affiliation of the Colleges, the vesting of the Chancellorship in the hands of the Lord Lieutenant, the extinction of Galway College, and the "gagging clauses" are not of the essence of the measure. Why, almost every part of the Bill forms no part of its essence. My right hon. Friend the Chancellor of the Exchequer is an acute logician, and must in former times have been well acquainted with "the fallacy of division." But the Bill is, perhaps, the greatest example of "the fallacy of division" ever produced in this House. By degrees one provision after another has vanished. But if I can collect from the Secretary for War one idea of the essence of the Bill, it is the construction of a new University in Dublin. Now, as I read the Bill, the University of Dublin will really be this nominated Council of 28 people of whom we know nothing and are to be told nothing. They are to affiliate the Colleges, to select Professors, to direct studies, to make statutes, to hold the common seal; in fact, they are to be the University. My right hon. Friend indicated that they were to be chosen from those gentlemen who in Ireland are free from party prepossessions, who have no religious prejudices, who are devoid of any political opinions, who are eminent for academic distinction; in fact, they are to be a set of 28 Admirable Crichtons, who no doubt are to be found in Ireland. The right hon. and learned Gentleman (Dr. Ball) last night gave, as I thought, very good reasons why the House should distrust these nominee Government Boards for educational purposes in Ireland. I will not follow him in his able description of the behaviour of the National Board of Education and their treatment of Father O'Keeffe. But I confess I was surprised that, with the recollection of that case fresh in the memory of the Government and of the country, my right hon. Friend the President of the Board of Trade (Mr. C. Fortescue) could have the courage to hold up the Board of Education in Ireland as an admirably-constituted body, upon whose impartiality and justice there never could be the slightest reflection. But we are not limited to the behaviour of the Board of Education in the case of Father O'Keeffe, and perhaps the House will forgive me if I go briefly into a matter of Modern History—hereafter to be excluded from the studies of the University—and recall some of the facts connected with the Supplemental Charter in 1866. In that year my right hon. Friend was Leader of the House, the Secretary for War was his colleague, the President of the Board of Trade was Secretary for Ireland, and my noble Friend the present Secretary for Ireland was Secretary for War. The educational grievance existed in Ireland then as it exists now. The complaints made by a section of the Roman Catholics were made then; and a Motion upon that subject having been brought forward here in 1865, the Government set to work to see whether they could not contrive some remedy for the grievance. They therefore entered into negotiations with the Roman Catholic Prelates, and the correspondence is now to be found in the library. They offered terms to those right rev. Gentlemen. But so exorbitant were the demands of the Prelates that these terms were not accepted, and the negotiations fell through. Still the grievance remained, and the Government looked about for some mode in which they could provide a remedy. The remedy suggested was this:—A new Charter had been given two years before to the Queen's University in Ireland. By that Charter degrees could only be conferred upon those who were students in the Queen's Colleges. It was suggested that by conferring a Supplemental Charter upon the Queen's University, which should enable them to confer degrees upon those who were not students in the Queen's Colleges, a portion of the Roman Catholic grievance might be removed, because the students of the Roman Catholic College in St. Stephen's Green would thus be permitted to pass for degrees in the Queen's University. Sir George Grey wrote a letter to the Lord Lieutenant explaining the circumstances, but adding that this Supplemental Charter could not be legally granted unless the Senate of the Queen's University were willing to accept it. But it appeared that the then existing Senate of the Queen's University was not willing to accept it. Now, there is something remarkable in the manner in which the difficulty was overcome. Under the Charter of 1864 the Senate consisted of 24 members, but 18 only had been appointed up to the 18th of June, 1866, when Lord Dunkellin carried his Amendment in Committee on the Government's Reform Bill. And now we come to the pinch of the case. On the 19th of June the Government resigned, and on the 20th authority to fix the Great Seal to the Supplemental Charter arrived in Dublin. [Dr. Ball: Hear.] On the 27th of June, when the Government was really no longer in existence, although the seals of office had not been transferred to their successors, a document arrived in Dublin appointing six additional members of the Senate. Who were those six nominees of the Government? They were unexceptional in character, but of one colour in politics and opinions. Among these additional members were the present Postmaster General, and his near relative the late Lord Dunraven, a Roman Catholic; there was Mr. O'Hagan, now Lord O'Hagan, the Catholic Lord Chancellor; there was Professor Sullivan, a distinguished Roman Catholic Professor and the holder of a Chair in the Roman Catholic University of Dublin; there was Lord Clermont, who, if I am not mistaken, is brother to the President of the Board of Trade; and Lord Talbot de Malahide, a respectable old Whig, like myself, and who was, probably, nominated to add grace and dignity to the Senate. All these were added to the Senate nine days after the Government had really expired, and many of those forming that Government now sit on the Treasury bench. What happened next? A few days afterwards the Senate discussed the propriety of accepting the Supplemental Charter, and the proposal was negatived by the single vote of my right hon. Friend (Sir Robert Peel), who hastened to Ireland to urge its rejection. But on the 6th of October the Supplemental Charter was again before the Senate, and was accepted by a vote of 11 to 9; but the majority of 11 included the 6 additional members. I say, then, the experience we have had of the way these things are done in Ireland — such things would never have been done in the light of day in England—does not justify us in encouraging the hope that the proposed University Council would secure the approbation of impartial people. The Prime Minister said he could not give the names of the Council, because it was impossible to ask anyone to join it until the details of the Bill had been settled. Admitting the existence of "servile satellites" of the Government, he told us that even the most servile would be ashamed to appear on the list until the details had been settled by this House. But I wish to point out that the argument of the right hon. Gentleman applies not only to the period before the second reading, but to the whole subsequent period until the Committee is closed, so that the whole of the details will have to be settled without the House being made acquainted with the names of the Council. But what about the House of Lords? Is the other House of Parliament so utterly insignificant that it is not to be taken into account? Is the Prime Minister going to those whom he purposes asking to sit on the Council as soon as the Committee on the Bill is closed, and will he say to them—"You see what the Bill is. Will you be on the Council? Never mind what the House of Lords may do." This is trifling with the House. If nominated, the Council should, at least, be small. The precedent of the Oxford and Cambridge Bills was good in this respect, though I do not think the cases parallel. The Prime Minister said they were.

MR. GLADSTONE: The right hon. Gentleman entirely misunderstood me. I was anxious to give to the House all the cases that were in any degree analogous, and in citing these cases I pointed out the broad and vital differences between them and the case in hand.

MR. BOUVERIE: Then, if they were in "any" degree analogous, they were in "some" degree analogous. If they had nothing to do with the case under discussion, they need not have been quoted. I do not think them analogous cases, and am glad the Prime Minister now agrees with the House in that matter.

MR. GLADSTONE: What I said just now referred to the two cases of the Oxford and Cambridge Acts.

MR. BOUVERIE: I am glad my hon. Friends below the gangway join in the chorus of disapproval of this Council; but my hon. Friend the Member for Bradford (Mr. Miall) should remember that this Council is the only part of the Bill remaining, and, if he is to be consistent, he should vote against the second reading. Now, let us consider the case for the Bill. Having listened patiently to this discussion, I am bound to say the case for the Bill has absolutely and entirely broken down. That case was two-fold, as put by the Prime Minister. It was based first on the insufficiency or comparative failure of the Queen's Colleges; and, in the second place, on the religious grievance of the Roman Catholics. The speech of the hon. Member for Edinburgh University (Dr. Lyon Playfair) disposed of the first point so completely that the Chancellor of the Exchequer had nothing to offer in reply but some musty extracts from evidence given in 1857, and some quotations from a book; but the latter had been taken second-hand, and were so garbled, not by the right hon Gentleman, but by the periodical from which he procured them, that the learned Professor whose opinions they were supposed to express has written to the papers to say they were exactly contrary to the opinions he had published. [The CHANCELLOR of the EXCHEQUER : I quoted his own words.] But the context, which gave the words quoted an exactly opposite meaning, was omitted. I wonder so experienced a practitioner as my right hon. Friend did not verify the extracts before quoting them. I made the same mistake myself once. I do not say that the extracts were garbled by my right hon. Friend; he found them in the book, and took them from it without verifying them. I have done the same myself—a burnt child dreads the fire, and, therefore, I do not blame him. [The CHANCELLOR of the EXCHEQUER : They are accurate, and I have verified them.] Well that was all the answer given with regard to the inadequate provision of University education —those musty extracts from a Roman Catholic review. But, after all, the great question, the foundation of this measure, is the educational grievances of the Roman Catholics. Now there is one remark which I should like to make to the House with reference to this part of the question. This House has always understood—and the observation applies particularly to the Liberal side—that in connection with these University questions, the imposition of tests was the great grievance which ought to be removed. We have understood that test which required the declaration of religious belief, or the selection of particular persons to discharge general duties on account of their religious belief was a great public grievance. Now it is rather a strange light to view the matter in, that it should be a grievance that there should be no tests imposed upon Professors. The real grievance alleged on the part of the Catholics is not that tests are imposed, but that they are not imposed to exclude Professors of a particular belief from teaching in the University. Now, where are we to look for the statement of this grievance? Is it to the Prime Minister or to the temperate and moderate speech of such distinguished and highly educated gentlemen as the hon. Member for Longford (Mr. O'Reilly)? Are they the exponents of the Roman Catholic grievance in this matter? Not at all. It is the priests and the Prelates of the Roman Catholic Church who are the exponents of that grievance—they are the people who have made the demands upon this House, they are the people who have agitated for a change of the law, they are the people who are the mouthpiece in this matter of the Irish Roman Catholics. It does not lie in the mouth of my right hon. Friend and his colleagues to deny that. They did not communicate, as far as I am aware, with any eminent public layman of the Roman Catholic faith with respect to this Roman Catholic grievance. Sir George Grey's letter was addressed to Archbishop M'Hale, and subsequent communications were carried on with Cardinal Cullen and the Roman Catholic Prelates in Ireland, so that as far as my right hon. Friend and his colleagues are concerned they are entirely estopped from disputing that the Bishops are the mouthpiece of the Roman Catholics in this grievance. And the right hon. Gentleman opposite (Mr. Disraeli) is exactly in the same boat, because in 1868, when he commenced the same inauspicious negotiations through Lord Mayo, the communications were carried on with two Roman Catholic Prelates. Therefore, it must be taken as indisputable that the exponents of this Roman Catholic grievance are the Roman Catholic Prelates of Ireland. I do not wonder at it, because they are the natural aristocracy of the Irish people; they are men who have risen from the ranks by their ability and high character, they feel the wants of their flocks, they sympathize with their necessities, they are many of them men of great ability and education, and perfectly able, as well as willing, to give expression to the wants of their people. I do not for a moment wish to disparage these rev. Prelates; they are entitled to express those sentiments as much as any one among ourselves. They have strong opinions, and they have a right to make those opinions known. But what are their demands? They are very simple, and are twofold. They demand endowment for their University and separate education for their flocks. The demands of the Bishops, as communicated to Sir George Grey on the 10th of July, 1866, are in strict conformity with the views they had theretofore given expression to. They say—

"The result of the mixed system of education in the Queen's Colleges, excluding, as it does, the influences of religion, is, we believe, to train the youthful mind in indifferentism to every creed and in practical infidelity, which tend to subvert the Throne as well as the altar. We have, therefore, deemed it our duty, in accordance with the teaching of our Church, and the wisdom of this teaching is confirmed by experience, to declare these institutions replete with grave and intrinsic danger to the faith and morals of our flocks. Under these circumstances Catholics have no confidence in them, and can never, consistently with their religious principles, accept them. While expressing these feelings we deem it our duty again to declare emphatically our condemnation of the system of united academical education, on which the Queen's Colleges are founded, and which, in accordance with the repeated declarations of our Church, we hold to be intrinsically dangerous to the faith and morals of Catholics. In the changes referred to, as we understand them, we recognize a token of the willingness of Her Majesty's Government to grant an instalment of the justice in educational matter to which our flocks are entitled; but, if unaccompanied by an endowment of our Catholic University, and a reconstruction of the Queen's Colleges, we cannot regard them as satisfactory to the Catholics of Ireland. Without an endowment, the proposal of the Government would confer but little, if any substantial benefit upon our Catholic University; for degrees can be obtained through the London University, and property can be acquired and transmitted without a charter by availing of certain legal expedients."

Now, there is most distinctly set forth the demands of the Roman Catholic Prelates, those demands have been continually repeated from that time to this; they were repeated in 1867; they were repeated to the right hon. Gentleman opposite in 1868, they were repeated in 1869—I think the passage was read to the House by the right hon. Member for Liskeard (Mr. Horsman)—and they were repeated in 1871 in words which it is worth while to read to the House. This is from the general Pastoral of the Bishops in 1871—

"We will have no mixed education; the failure of the Model Schools and of the Queen's Colleges, where the mixed system is practically carried out, to attract Catholics in any considerable numbers ought, ere now, to have convinced our rulers of this our firm resolve. Nor can we surrender to the State the education of our children. . . . But we will have Catholic education in all its branches, primary, intermediate, and University—that is to say, we demand for you, and you, as Catholic parents, demand for yourselves, the legal right and, as far as it is afforded to others, aid from the State, to discharge your duty of educating your children in accordance with the dictates of your consciences, and the teaching of the Catholic Church of which you are members. . . . In union with the Holy See and the Bishops of the Catholic world, we again renew our often-repeated condemnation of mixed education as intrinsically and grievously dangerous to faith and morals, and tending to perpetuate disunion, insubordination, and disaffection in this country."

There can be no mistake, therefore, that the Bishops have struck one uniform note, which is abhorrence of mixed education or institutions tainted with mixed education. My noble Friend the Chief Secretary for Ireland (the Marquess of Hartington), with his usual candour and fairness, said that if he had his own way he would have no objection to endowment—that is to say, to endowing the Catholic University, an opinion which was also expressed in so many words by the right hon. Gentleman the President of the Board of Trade. But I am bound to say the right hon. Gentleman at the head of the Government, in his opening speech, stated that he could not entertain any idea of that kind. Now I must confess, if this is a matter of importance; if the peace and welfare of the sister country depends on the mode in which we settle this question, it does seem strange that there should sit in the same Cabinet to decide upon this important question Gentlemen whose opinions are so exactly contrary. I confess I should have thought in a matter of first-class importance such as that of University education in Ireland if a section of the Government had a distinct opinion and conviction that the proper settlement of this question, the proper mode of redressing the grievances and removing the just complaints of the Roman Catholics was to propose an endowment—I say I should have thought that they were bound to separate themselves from their Colleagues and announce that opinion to the House. It may be an old-fashioned notion, but my strong impression is that in old times, at any rate, when there was a broad division of opinion between two sections of the Government, those two sections would not have combined together to propose a measure which is distinctly contrary to the views of one section in a matter on which the interest and prosperity of a great part of the kingdom may depend. But that is an affair which those whom it concerns must settle for themselves. Now, if we grant the demands of the Roman Catholic Prelates, it will be a great national misfortune; it will be not only repugnant to the feelings and opinions of the great body of our countrymen in Scotland and England, but, I believe, will be wrong and indefensible as a matter of educational policy. But if the Government Bill does not grant those demands and does not pretend to grant them, what is the use of it? Is it not a sham and a pretence, assuming that the Bishops are the legitimate exponents of the demands of the Roman Catholics of Ireland, and that their claims must be satisfied, to propose something that will never satisfy them? This is not an affair of compromise, a thing upon which there is a common middle ground upon which people can stand. There is no compounding between the two opinions—if you have mixed education, you cannot have separate education, if you have separate education, you cannot have mixed. What will really be the effect of the proposal of the Government in this matter? Before it was so altered and changed, that we cannot now tell what it is, it was a semblance of mixed education, with the ultimate certainty that it would become a denominational system before many years. This scheme of a new Dublin University is proposed, with all its limitations, as a scheme for the advancement of learning. Fancy an "intelligent foreigner"—a German Professor—going to Dublin in the course of the next year or two, if this Bill should become law, attracted by the high reputation of Dublin University, and wishing to become acquainted with the course of study there. He might, perhaps, say—"I should like to know who is your Professor of Metaphysics," and the answer would be—"Oh, we have no Professor of Metaphysics—it is 'for the advancement of learning.'" "Who is your Professor of Ethics and Moral Philosophy?" "Oh, we have no Professor of Ethics or Moral Philosophy—it is 'for the advancement of learning.'" "Who is your Professor of Political Economy?" "We have no Professor of Political Economy—it is 'for the advancement of learning.'" "Don't you teach Political Economy in the University? Have you no Lectures on Political Economy—the science of human wealth and happiness, now studied in every University in the world with the greatest success?" "No, we have nothing of the kind, and we don't have it for the advancement of learning." Sir, it appears to me to be a bad joke to propose this hampered, stunted, and maimed education for the higher class of Ireland in the name of the "advancement of learning." I say nothing of the clause about the Professors and what they are to teach; but I wish to make one observation about the Professors. I think you lose sight of the fact that a great deal of the advantage of a University education is not that which is derived by the students under the examination of the Professor, but the training and skill acquired by the Professors themselves in the subjects they teach to their students. Some of the greatest lights in the world have been Professors whose minds, from long travelling in particular grooves of thought, have become so skilled and accomplished that they have developed their systems for the benefit of the world. You cannot have a more striking instance of this than in Adam Smith. Does any man think that if he had been left simply alone to meditate in a back room at Kirkaldy over the sources of the wealth of nations, that he would have produced a book which has influenced the financial economy and taxation of all countries in the civilized world? No, it was because he was a Professor, always travelling over this ground, instilling the views he had developed in his study into the minds of his students, that he became trained in the knowledge of the "wealth of nations," and learnt to produce a book which has commercially revolutionized the world. By saying you will not have Professors in these different high branches of knowledge you are shutting yourselves out from some of the highest advantages of civilization and instruction. You will not have men of such distinction as Guizot, Cousin, Jouffroy, or Adam Smith. I will not trouble the House by attempting to answer the Chancellor of the Exchequer on the subject of an examining University. My right hon. Friend started by saying that he would define a University, and he appeared to give a definition which best suited himself, and then he said "nobody can contest my view of what a University is." That definition did not meet my view. Dr. Johnson had a brain equal to the right hon. Gentleman, and he defines a University to be "a school where all the Arts and Faculties are taught"—not examined. I venture to set the authority of Dr. Johnson against that of the right hon. Gentleman. Another observation I wish to make with reference to the curious result of the proposed changes in the instruction in the University, is this—that the complaint of the Catholics being that that instruction in the Queen's Colleges is "godless," the proposal of the Government is to make it more godless than before. Theology is excluded, but there is a Professor of Ethics who teaches the whole scheme of human duties; a Professor of Metaphysics; a Professor of History, who illustrated Divine Providence in Modern History, in Queen's Colleges. So far they are not godless; but to make them more palatable to the Roman Catholics who complained of their being godless you make them more godless still. That is a strange mode of removing a complaint of the absence of religious instruction. But then there is this question, which I ask of the right hon. Gentleman; he produces this as the just demand of the Roman Catholics to be admitted to the University, and have all subjects on which there may be any difference of opinion excluded from the teaching. His contention is that it is a grievance which ought to be remedied, and to remove it you are to prohibit this course of instruction in the University. How is he to distinguish between Dublin and Oxford and Cambridge? Is is not as much a right of an English Roman Catholic gentleman to send his son to Oxford or Cambridge as of an Irish Roman Catholic to send his son to Dublin University? and is it not as much a grievance that Oxford and Cambridge should have lectures on Theology, on Ethics, and Moral Philosophy, on Political Economy and Modern History, as it would be in Dublin? I said that, on its first appearance, the scheme of the right hon. Gentleman was one for mixed education; but I must confess its ultimate result would be denominational education. In 20 years you would find that practically it would have that result. And so it was represented by the right hon. Gentleman the President of the Board of Trade. If the scheme was taken advantage of by the Roman Catholics, as he urged, it would become a Roman Catholic University; they would have the control of the Council; they would nominate none but Roman Catholic Professors; they would have complete control over the higher education in Ireland, and then would arrive a state of things which everybody but the Irish priests and Prelates would have to deplore. That was the final result which the right hon. Gentleman the President of the Board of Trade recommended them to keep in view as a reward if they assisted the Government in carrying this Bill.

MR. CHICHESTER FORTESCUE: Certainly not. I said they would have their fair share.

MR. BOUVERIE: The language of the right hon. Gentleman was, that under the provisions of this Bill the Roman Catholics, if they choose to make a vigorous use of the opportunities afforded to them, will, in a few years' time, be enabled to do all they want to do.

MR. CHICHESTER FORTESCUE: I said the Bill will give them all the education they want.

MR. BOUVERIE: I cannot help thinking if this Bill pass in anything like its present shape the result will be in 20 years to establish an Oxford of the old stamp in Dublin, only it will be Roman Catholic instead of Protestant. I must apologize to the House for having occupied so much of their time. This certainly is a most serious question for us to decide. The House is in full possession of all the facts and arguments bearing upon it. To my mind this is a renewal of an old struggle, which has been going on in this country for centuries. It really is the struggle between the laity, on the one hand, and the clergy, who think they ought to have a monopoly of education, on the other. It is not merely the clergy of the Roman Catholic body who entertain that notion, it is a favourite idea of the clergy of the Established Church, who think themselves entitled to have a monopoly of education in their own hands. Any one who looks into the history of the Act of Uniformity in the time of Charles II. will see that the object was that the instruction of College, University, and School should be in the hands of the Established Church. But this is an old struggle, much older than that. It was carried on under our Plantagenet and Tudor Kings, culminating in the Reformation and the efforts of Queen Elizabeth to maintain her throne. It was carried on in 1688, when the Roman Catholic hierarchy, finding a Sovereign to their mind, endeavoured to enforce their views as to the mode of governing this country against the will of the people. With my right hon. Friend the Member for Liskeard (Mr. Horsman) I look upon this as a renewal of that struggle. I believe this Bill would be fatal to the cause of liberal education in Ireland, and therefore I shall not hesitate to vote against the second reading.

The MARQUESS of HARTINGTON said, that the right hon. Gentleman had inadvertently fallen into a mistake in describing what he had said on the subject of concurrent endowment. He believed that what he said was that he had no objection to the principle of concurrent endowment, but he did not think it was a remedy applicable in the present state of things. He then tried to show that in his opinion the endowment of a Roman Catholic College would be the inauguration of a policy not of equality, but of inequality.

MR. RONAYNE said, that being so new a Member of the House, he did not intend taking part in this debate; but he felt compelled in duty to his constituents to protest against the astounding statements he had heard made by hon. Members for Scotch and English constituencies as to the feeling of the Catholic laity on the subject of denominational education. It had been frequently alleged during the debate that this was a question of the Irish Bishops solely, and not of the laity. Now, he claimed to be in a position to contradict that statement most emphatically. He had the honour of being recently returned for one of the most Catholic constituencies in Ireland — a constituency long and justly distinguished for intelligence, love of learning, and independence of thought and action. He never asked a priest or a Bishop for his vote or interest, and was elected under the Ballot, and received more votes than had ever been polled for any candidate on any previous occasion. Moreover, he had never received any instructions, directions, or communications of any kind on the question before the House from either priest or Bishop. He therefore claimed to represent the laity as independently of ecclesiastical influence as any hon. Member of the House, and he could assure the House, so vital did his constituency consider the question of denominational education, that if he was not an advocate for it, he would not poll 50 votes of the Catholic laity of Cork. He objected to the Bill because it established denominational education in Ireland by endowing the Protestants and leaving the Catholics without anything, because it would perpetuate Protestant ascendancy and all kinds of struggling and bickering between Protestants and Catholics in Ireland. As influence in the University was to be obtained by the representation of Colleges, Bishops and priests should necessarily use every pressure to induce Catholic students to attend exclusively Catholic Colleges; Protestants would gravitate to Trinity, the Presbyterians would have Belfast to themselves, and the Catholics would not have the means to provide Professors and teachers adequate to bringing up their young men to compete with those from the other Colleges. The people would never separate themselves from their priests and Bishops. If a man in Ireland changed his religion he was said to change his country. Secular education was contrary te the spirit of the people; Protestant, Presbyterian, and Catholic were equally eager for denominational education; Protestants and Presbyterians would not send their children to Catholic schools; and the attachment of the people to denominational education was shown by what they would subscribe to maintain it. He objected to the higher education of Ireland being handed over, as it would be by the Bill, to the Castle of Dublin, for the 28 members of the Council were to be selected by the Crown, which meant the Castle of Dublin; and then in ten years, groups of four were to be nominated—one by the Crown, which was the Castle; another by the Council, which had been appointed by the Crown; another by the Professors, who had been appointed by the Council, nominated by the Crown; so that successive appointments would be made at the Castle. He objected to the Lord-Lieutenant as Chancellor, because he must be a partizan; the exigency of party might put him in office for a week; and the highest honour of the University ought not to be given to a stranger who might be an inhabitant of Dublin for a week only. Further, he objected to the destruction of Trinity College, because, although they had much to complain of in reference to the bigotry and exclusiveness that had prevailed in that College, yet they all wished to see that University preserved, for in its distinguished *alumni* all Irishmen took a national pride. The great

Edmund Burke said that the Roman Catholic religion in Ireland should be upheld with respect and veneration, and should be provided with the means of educating her children. The Presbyterians were themselves the advocates of denominational education, as he would show by a quotation from a letter published in *The Times* of that morning, and written by Mr. Shaw, of Magee College, who said—

> "The position of the Presbyterian people is much misunderstood. Presbyterians have no objection to denominational education for themselves; they only object to give denominational education to Catholics; but I know the feeling of the Presbyterian Church, and I am convinced that the Presbyterian love of mixed education simply means hatred of Catholics, and that its true nature will appear the moment the system threatens to endanger not Catholicism, but Calvinism."

From his short experience of that House he was disposed to think that the Liberals within it entertained a similar feeling in respect to denominational education—they were extremely liberal in desiring it for all religious persuasions except the Roman Catholics. In Cork, which city he had the honour to represent, the Roman Catholics lived upon terms of social equality and harmony with their Protestant and dissenting fellow citizens. They had no quarrels about religion, and it was only on political subjects that they evinced any serious antagonism. His impression of the Liberals of England was, that their liberality was somewhat like that of Cromwell, who, when asked by the people of New Ross for liberty of conscience, replied, "I never interfere with any man's conscience, but wherever the Parliament of England rules there shall be no mass."

MR. M'CLURE:* The hon. Member for Derry (Mr. C. E. Lewis) has called upon me, as having some claim to represent the Presbyterians of Ireland, to say how they view this question. My reply is, that the spirit of Presbyterianism is freely to grant to others all that they ask for themselves. They generally desire to see the matter settled upon a broad liberal basis, and they seek for no special privilege or advantage for themselves or their Church. I may quote in illustration of this one sentence from the speech of the Rev. Dr. Knox, the Mover of a series of Resolutions on this Bill, in the Presbytery of Belfast, on Wednesday. He said he had strong sympathy with the avowed objects of the Bill to extend University education in Ireland, without any respect to sect or party, throwing open its doors to Irishmen of every denomination, and yet guarding the religious convictions of all. Believing that this Bill has been framed with an earnest desire to remove all reasonable causes of complaint, and, if possible, to unite all in the promotion of the higher education in Ireland, I consider that I would fail in my duty to my country if I did not vote for its second reading, that its different provisions may be discussed in Committee. I might, if I had had an opportunity of speaking at an earlier stage of the debate, have spoken on the principle of the Bill, and matters which we may consider require modification; but I will not now do so. I may, however, remark that, while my friends might have confidence that the first Council named by the House would co-operate cordially in carrying out the object of the Bill, they dread the effect of introducing the representation of denominational Colleges, as such, on the Council. I listened with much pleasure to the remarks which fell from the hon. Member for the University of Edinburgh (Dr. Lyon Playfair), on the importance of supporting provincial Colleges. I would like to make a practical application of the principles he laid down. By this measure, between Trinity College and the proposed University, £100,000 per annum will be spent on collegiate purposes in Dublin, while Belfast College will be left with only £8,000 or £10,000 a year—a most inadequate support, not sufficient to enable it to hold its position. Several hon. Members have made reference to educational establishments in the North of Ireland. They must pardon me for saying that not one of them seemed to have correct information, with the exception of the First Lord of the Treasury. Among other errors, the hon. Member for Tralee (the O'Donoghue) spoke of Queen's College, Belfast, as Presbyterian, and the hon. Member for Waterford (Mr. Osborne) repeated the statement. This is a mistake. It is completely nonsectarian. There are Professors and students of all denominations. Without going minutely into statistics, I may say, in general terms, that although the majority of the students are Presbyterians, as might naturally be expected, when we remember that the counties of Antrim and Down, from which most of them come, are very largely Presbyterian, a very large proportion of the students belong to other churches. I find by the last Return that from 1850 to 1871 it has been attended by 1,465 Presbyterian students and 819 of other denominations. The Roman Catholics have certainly been in the minority. There have been only 142. The hon. Members may have confounded Queen's College with the Presbyterian Theological College, which has no connection with the State. The students of Queen's College have all been resident and attending the lectures, and their attainments have been such as to reflect credit on themselves and their Professors. I could procure for the hon. Member for Waterford a list of successful students, who, going direct from the College, without having recourse to any other means of instruction, have taken the highest places in the public examinations. Belfast has a large and increasing population, which promises ere long to exceed that of Dublin. It is the capital of Ulster, which contains one-third of the inhabitants of Ireland, very many of that class who would send their sons to a College if not far distant from their homes. This College, which might be styled the College of Ulster, should certainly have a much larger share of the educational endowments of the country, in order to extend its operations, to raise the status of its Professors, and give more encouragement to the students. I dare not now propose that the new University should be in Belfast; but this I can undertake, that, if Belfast College receives such support as its proved efficiency merits, there will be no lack of students to take advantage of the facilities offered; and if intermediate schools should be established throughout the province, which I hope will be ere long, its halls will be filled to overflowing, and Ulster, will soon rival Scotland in the number of its students. In what I now say I am only giving expression to the earnest desire of all who are interested in the cause of education in Ireland, and when we go into Committee I hope the Ulster Members will be present and give their assistance in having the claims of Ulster fully recognized. In making this special appeal I am not to be understood as depreciating in any way the claims of Cork and Galway. I must apologize to the House for speaking so much of Belfast; but I have been obliged to do so, because so far as educational questions are concerned, the North of Ireland seems to be to many of the speakers a *terra incognita.* Trinity College, to which many are attached, and which has in its time served well the cause of learning, was originally more liberal in constitution than it afterwards became. Its first two elected fellows were Presbyterians, and its first two regular and official Provosts were Nonconformists. When Laud became Chancellor, finding its statutes, according to his ideas, too favourable to religious liberty, he obtained the Royal Assent to exclude from the benefits of academic education all who were not attested members of the Episcopal Established Church. About 160 years afterwards the authorities at the College admitted those who had been excluded, subsequently placing some scholarships within their reach, and they have lately expressed their willingness to make further concessions. Now, so far as I can make out from the speeches of hon. Members opposite, their idea is that, if this Bill can be defeated, the measure proposed by the hon. Member for Brighton (Mr. Fawcett) will be put forward. But do they for one moment believe that this would now approach to a settlement of the University question? I would wish to give all honour to Trinity College; but we cannot overlook the fact that it has been, I may say for centuries, exclusive. It is still the school of theology for the Episcopal Church, and that Church must, under the plan of the hon. Member for Brighton, long have a decided predominance in its Government. It is just possible that Presbyterians and Roman Catholics, if now admitted, might, within a century, obtain an equal position. Not until then would the University assume a national character, and cease to be more or less a denominational institution. Has it not been acknowledged by statesmen, and shown, even by debates in the Senate of the University of Dublin, that to stereotype and maintain Trinity College in its present privileges and endowments would make out an unanswerable case for the establishment of another great denominational University on an equal footing? Remembering how the future of Ireland is bound up in a fair and liberal solution of this question, I would implore all to approach it, laying aside "private interests, prejudices, and partial affections," and seek to lay the foundation of a system which may continue for centuries to enlighten and elevate every province and district of that land.

THE O'CONOR DON said, that at the commencement of the debate yesterday, a very able speech was delivered by the hon. and learned Member for Oxford (Mr. Harcourt) in favour of the Bill, in which he described it as a Bill for the extension and perpetuation of mixed and secular education in Ireland. If that description were a correct one he (the O'Conor Don) unhesitatingly said that was the worst measure ever introduced on the question of University education for Ireland. He denied that the Roman Catholic laity of Ireland were favourable to mixed education, and if he was pained at what the hon. and learned Member for Oxford said, he was more so when he found that the Secretary of State for War, speaking later in the debate, had not uttered a single word indicating that he differed in any way from the description given of the measure by his Colleague in the representation of the City of Oxford. If that description was correct, it was in itself the severest condemnation that could be passed upon the Bill. It was not the description given of the Bill by the Prime Minister when he introduced it. That right hon. Gentleman had very clearly stated why a Bill upon the subject was necessary. It was necessary to meet a grievance existing on the part of the Catholics of Ireland, whose condition as regards University education was described by the right hon. Gentleman as miserably and scandalously bad, and this grievance would not be removed by the extension of mixed or secular education. Nobody in Ireland, and least of all the Roman Catholics, had asked for the extension and perpetuation of the mixed system of education. Their complaint was that this system, to which they conscientiously objected, was the only one offered to them. Their grievance, as was clearly stated in a lay declaration signed by the most respectable and intelligent Roman Catholics, was that a large number of Irishmen were precluded from the enjoyment of University education, its honours, and emoluments on account of their religious convictions respecting the existing systems, those systems being the Protestant system of the University of Dublin and the secular or mixed system of the Queen's University and Colleges. But although the Prime Minister had, in introducing the Bill, really comprehended the grievance which existed, neither the House nor the country had yet been able to realize its nature. During the greater part of that debate that grievance had been rather ignored or denied than appreciated in its true character and strength. The right hon. Gentleman the Member for Liskeard (Mr. Horsman) had attempted to show that the Roman Catholics of Ireland in regard to that subject were divided into three distinct and hostile camps—first, the Ultramontane clergy; secondly, the gentry and the intelligent laity; and, thirdly, the great mass of the community, the first class alone being in favour of religious education. He, however, denied that there was any such separation among the Catholics of Ireland. The declaration to which he had already alluded was entirely of lay origin, and yet the right hon. Gentleman (Mr. Horsman) alleged that this was a priest's question, and that the laity cared nothing about it. He maintained that the agitation against secular or mixed education in Ireland was shared by the laity, and he pointed, in proof of his assertion, to the meetings held all over Ireland in 1871 and 1872, but especially to a meeting held on the 31st of December, 1871, in Galway, at which resolutions were moved and seconded by independent Roman Catholic gentlemen, and carried, condemning any attempt to force on the Irish people a "godless system" of education, as a phase of persecution more intolerable than any to which their fathers were ever subjected for conscience' sake, and characterizing the Government model schools and the Queen's Colleges as "monuments of impiety and injustice." That the gentlemen who supported these resolutions were acting freely and independently of clerical dictation was proved by the fact that a few months afterwards, at an election in the county of Galway, they were arrayed on one side and the Catholic clergy on the other. The opposition manifested by the priests to the hon. Member for Galway, and the support, nevertheless, given him by the Catholic gentry, formed an unprecedented occurrence, yet that hon. Member in his address to the electors was obliged to advocate in the strongest possible way denominational education—a proof that on this point all classes of Catholics were agreed. He attributed the defects of the Bill to an impression prevalent in this country that a large section of the Catholic laity favoured mixed education; but if such a feeling existed it would be expressed, and he challenged anyone to cite a single meeting at which a Roman Catholic had given utterance to any opinion of the kind. Moreover, the apprehensions of the hon. Member for Liskeard that the miserable liberty given by the Bill to Roman Catholics of competing for University degrees and honours would result in their obtaining the entire control of the new University proved his real conviction of the strength of the principle of denominationalism. But could there be a stronger argument in favour of Home Rule than the action taken on this occasion by the right hon. Gentleman? The Irish Roman Catholics had in every constitutional manner expressed their opinion in favour of denominational education, and yet, whilst the other educational religious bodies in that country were endowed, the Prime Minister dared not pronounce that word in connection with Roman Catholics. The result of this continued refusal to attend to the wants of the Roman Catholics of Ireland coupled with the fact that the Irish people both Catholic and Protestant, would, if the matter rested with them, devote part of the Church surplus to such a purpose, must lead to very strong agitation on the subject of Home Rule. On the introduction of the Bill he thought he should be able to support it, for he had great faith in the principle of denominationalism; he remembered that the primary schools had been made, through the irresistible force of the public feeling of the country, denominational; and he believed denominational Colleges might—and, in the absence of any better prospect, would—compete successfully with their endowed rivals, giving them a strong claim whenever the question came to be reconsidered. The condemnation of the measure by the ecclesiastical authorities had altered the position, but this alone would not have affected his course, for he would not hold his seat for an hour on condition of yielding his convictions in such a case. In spite of this condemnation, he should have supported the second reading had the Government evinced a readiness to concede certain alterations, such as the excision of the teaching functions proposed to be given to the new University. For his part he would prefer, as an alternative, a mere Examining Board to a mixed secular College. He could not conceive for what reason the Government had introduced this element of discord into the Bill, an element that had given rise to all the difficulties with which they had now to contend, and especially in connection with the "gagging clauses." He entirely repudiated the statement that the Catholics were in favour of the exclusion of those branches of learning for which no Professors were provided in this measure, and also the allegation of the hon. Member for Oxford (Mr. Harcourt) that the "gagging clauses" sprang from the Syllabus, or some other Catholic source. These clauses had been framed, simply on account of the impossibility of establishing any mixed system of education in a country like Ireland, where religious convictions were strong. He altogether repudiated the idea that Catholics had asked for or approved of this exclusion. In Roman Catholic Schools and Colleges the subjects which those clauses would exclude from the examinations were not only not excluded, but were taught, and students from the Catholic Colleges were most successful answerers in those subjects at the London University. Great, however, as had been his objection to the Bill, it had been strengthened by what occurred within the last 24 hours. The right hon. Gentleman the Secretary of State for War, in winding up the debate last night, gave up everything which the Roman Catholics valued, and retained, by not leaving open to exclusion, everything to which they objected. The right hon. Gentleman, speaking on behalf of the Government, virtually abandoned the proposition to have one University for Ireland—the incorporation of Queen's University in the New University—the abolition of the Queen's College at Galway, the affiliation of Colleges, and, therefore, their representation on the Council of the new University. The only thing the right hon. Gentleman considered it necessary to retain was the proposed largely endowed teaching secular University. Under these circumstances, what was his manifest duty in reference to the Bill? It was with considerable pain that he arrived at the conclusion, but his clear duty was to vote against its second reading.

Mr. DODSON said, he was one of those Members who, through good and evil report, had supported his hon. Friend the Member for Brighton (Mr. Fawcett) in his attempt to deal with the question of Irish University Education, and he thought their thanks were due to his hon. Friend for the perseverance and courage which he had displayed in reference to the subject, and for the manner in which he had forced the hand of the Government upon it. Whatever might be the fate of the present Bill, he congratulated his hon. Friend that the principles of his measure had been almost, if not entirely and unanimously, adopted, for throughout this debate not one word had been said against the abolition of tests in Trinity College. With regard to this unfortunate Bill of the Government, he was reminded of the fate of the bat in the fable, which was attacked by birds for being a beast, and by beasts for being a bird. It was denounced by secularists for being sectarian, and by denominationalists for being secular. On the one hand, they were told that it gave everything to the Roman Catholics; on the other, that it gave them nothing. They were assured by some that it took too much from Trinity College, by others that it left Trinity College too much. Again, they were informed on one side that it destroyed mixed education, on the other that it perpetuated godless education. Those charges were made, sometimes generally, sometimes particularly. The Bill did not exclude logic from the new Irish University. The Professor who filled that Chair would find ample field to illustrate by reference to this debate the doctrine of contraries, sub-contraries, contradictories, and subalterns. The discussion had mainly turned upon five points—the affiliation, or rather the mechanism for the affiliation, of Colleges, the composition of the Governing Council, the extinction of the Queen's University, the suppression of Galway College, and the limitation of education by the exclusion of certain subjects from the Chairs and *curriculum* of the new University. The speech of the right hon. Gentleman the Secretary for War had rendered it unnecessary that he should refer—as he had intended to do—to each of these points. They had now been told that the extinction of the Queen's University and the subversion of Galway College were merely incidents of the Bill. The noble Lord the Chief Secretary for Ireland (the Marquess of Hartington) had previously informed them that the limitation in the subjects of teaching and of examination were only ornaments—or, at least, appendages—to the Bill. There remained the question of the affiliation of Colleges and the composition of the Governing Body. These were rather matters of detail. The provisions as to the former were inadequate—those as to the latter were elaborate, but unsatisfactory. Some Colleges were to be affiliated, perhaps against their wish, by insertion in the blank Schedule. Others might be affiliated hereafter, but under the Bill as it stood it would be open to the Council to reject Colleges which would strengthen the University, and to accept Colleges which would lower the standard of University education. The right hon. Gentleman at the head of the Government had admitted the weakness of that part of the Bill, but had offered to provide some safeguards against a wholesale introduction of Colleges of a character likely to lower the character of the University. The right hon. Gentleman had made the same offer with regard to the College representation on the Governing Body; but as in neither instance had the safeguards to be proposed been laid before them in print, they were unable to form any adequate opinion of their value. It was, however, evident that safe means might be provided to regulate such a system. It was useless now to attempt to discuss the question, whether it would or would not have been wiser if the right hon. Gentleman had furnished them with a list of the 28 members who were to form the Council. But he entirely repudiated the theory that seemed to have been adopted by some hon. Members, that when the list of members of which the Council was to be composed was once laid before the House, it was not competent to the House to alter and amend it; and he also rejected the idea that when the 28 names were submitted there were in the House no hon. Members competent to scrutinize the list, and say whether the right men had been selected.

The proposed Council was objected to on the broad ground that it would be a State-appointed Council. The present case was, however, different from the cases of Oxford and Cambridge, in each of which we only had to recast an existing academical body, whereas here we had also to provide for the introduction of new elements. Hence it was necessary to provide a nominated Council in the first instance. He hoped, nevertheless, it might be sufficient to nominate a portion, leaving the rest to be elected by the graduates. Objection had been made to the appointment of a Lord Lieutenant as Chancellor of the new University. In these objections he shared. Many of them believed that the Lord Lieutenant was a mischievous and expensive sham; but apart from that, he, for one, thought it would be more in the interest of the institution that some Royal personage should consent to accept the office of Chancellor of the new National University of Ireland. Those, however, were matters rather for Committee than for the second reading of the Bill. The right hon. Gentleman the Member for the University of Dublin (Dr. Ball) had said, on the previous evening, that the Bill, which was universally condemned, might have been so framed as to have been universally approved. If that were so, why should they not, after the speech delivered on the previous evening by the right hon. Gentleman the Secretary for War, go into Committee and put the Bill into whatever shape they pleased? The incidents of the Bill were gone, the appendages of the Bill were gone, and all the rest had been declared open to amendment. Among other things, they would have to alter the title of the Bill, because although it was called the "University Education Bill," it contained nothing directly relating to education except the exclusion of Modern History and Moral Philosophy. It would be better, therefore, to follow the example set in the case of the measures relating to Oxford and Cambridge, which were entitled "University of Oxford Bill," and "University of Cambridge Bill." His right hon. Friend the Member for North Lancashire (Colonel Wilson-Patten) had spoken of the House being called upon to discuss a blank Bill; though he afterwards declared that the Bill did contain two principles—the destruction of an old University, and the construction of a new University; but the Bill asked no one to destroy the old University without seeing what was to be instituted in its place. His right hon. Friend also had said that one by one every provision but one that had been declared to be the essence of the Bill had been given up, and that now even that one, the constitution of the Council, had been surrendered; and he asked, if all this was abandoned, what was left? Well, there was left of the Bill that which had been comparatively little discussed, and which nobody proposed to abandon, the establishment of a National University, to which Colleges, whether denominational or undenominational, might become affiliated. The hon. Member for Roscommon (The O'Conor Don) had said he would have supported the Bill if it had proposed an examining instead of a teaching body. There was nothing in the Bill to prevent its being altered in Committee in that sense, nor would it be a greater concession than others which the Government was willing to adopt. And if the object of the Government was to carry a measure which should reconcile the views of different parties, he could not see any fundamental objection to such an alteration. With regard to his Motion to refer the Bill to a Select Committee, he was anxious to explain that it was not given with any political intention. It was neither an act of friendship nor hostility to the Government, but was inspired by a sincere desire to bring about, if possible, a settlement of this question, to save the time of the House, and to extricate it from a somewhat embarrassing position. The right hon. Gentleman the Member for the University of Oxford (Mr. G. Hardy) thought it a strange proposal; but was not the position of the House and of parties equally strange? The Prime Minister, at the Croydon banquet, appeared to refer to his Motion when he said the Government would not consent to have the Bill taken out of their hands. It seemed to him that this Bill, although its interest was undeniable, had been introduced with a pomp and circumstance, with a flourish of trumpets and a beat of drums, altogether out of proportion to its intrinsic importance. Instead of a practical measure of reform, it had been brought in as the sensational measure of the Session. He would, however, ask the Government to consider the Motion, of which he had given Notice — that in the event of the Bill being read the second time it be referred to a Select Committtee—apart from all false feelings of pride. It might be said that the reference of a Bill to a Select Committee was taking it out of the hands of the Government; but had it not been the practice of the House to refer important Government Bills to a Select Committee? Had not educational Bills been so dealt with? The Public Schools Bill had been thus referred, and the present Government had referred to a Select Committee a still more important measure than that before the House —namely, the Endowed Schools Bill. During the present Session the Prime Minister had consented to refer the Civil Service Expenditure to a Select Committee, and had thus allowed a subject to be taken out of his hands which was more than anything else an attribute of the Ministers of the Crown. The objection was, in fact, a mere form of words. The Bill was no more taken out of the hands of the Government by being referred to a Select Committee than if it were referred to a Committee of the whole House. If his Motion were received with favour, he would move it, and if it received adequate support—which he was bound to say it had not hitherto done—he would push it to a division. It might be put either after the second reading, or as an Amendment to the Motion that the Speaker leave the Chair to go into Committee on the Bill. The Prime Minister had thrown out an intimation that the Bill might be committed *pro formâ*, in order that the necessary Amendments might be made in the clauses, and to this course, he (Mr. Dodson) should interpose no obstacle, reserving to himself, however, full liberty to propose his Motion for a Select Committee on the amended Bill. Two objections only had been urged to the second reading of the Bill. The first was that it was a measure for the destruction of mixed education. That was sufficiently answered by saying that the Bill opened Trinity College and created a secular University. The other objection went to the root of the Bill. It was said that the measure did not remove the Roman Catholic grievance. He thought, however, they were entitled to say that the scheme proposed by the Bill was substantially just and right, and if this were the case, let the House pass it, and not be deterred by ecclesiastical thunder. Three successive Governments had admitted that the Roman Catholics had a grievance, and the Legislature, by this Bill, offered them the best remedy in its power. They were told that the Roman Catholics would not avail themselves of mixed education; that they rejected the remedy and preferred their grievance. Still, let us give the remedy, and if they do not avail themselves of it, the conscience of that House will be free. The House could but offer the Roman Catholics of Ireland a mixed—that was a neutral—University. What they appeared to require was a special University. They were not satisfied with equality, but required exclusiveness. This House had deliberately adopted the principle of religious equality, and it therefore could not give exclusive endowments to any religious denomination in Ireland. When this House disestablished the Church in Ireland, it declared, in fact, that there was to be absolute neutrality, so far as the State was concerned, between different religious bodies in Ireland. Although the scheme proposed by this Bill failed to satisfy any party or sect in the country, he trusted that it might prove the basis of a Bill establishing a University which would be the means of satisfying reasonable men of all sects and parties in Ireland. It did not offer the ideal of a University, but it offered them the basis upon which they might proceed to establish the best University possible, under the circumstances of Ireland. This measure avoided sectarian endowment, sectarian ascendancy, and religious disability. It was said that all these things might be developed in this University at some indefinite period; but if these difficulties should ever arise that indefinite future must deal with them in its own way. The possibility of such a development constituted no sufficient reason why the House should refuse to pass a measure which would, for our time, at all events, enable every man in Ireland, receiving an education and academical training in the College of his choice, to become a full member of a National University on terms equally favourable with all his fellow-subjects, and upon conditions that could offend the conscience of no reasonable layman.

MR. MITCHELL HENRY*: Sir, it will save the time of the House if I state at once that I cannot vote for the Amendment now before us. My objections are to the whole principles and policy of this Bill, not merely to any of its details. Moreover, we know from the declarations of the hon. Baronet on the front Opposition bench, who spoke last in the debate on Monday week (Sir Michael Hicks-Beach), that, even if the Government did comply with the requirements of the hon. Member for King's Lynn (Mr. Bourke), that would not settle this question; and for this simple reason—suppose the Schedule of 28 names to constitute the Council of the new University was filled up entirely by Protestants and men of academic reputation, would that reconcile the Protestants of Ireland to the provisions of the Bill? Certainly not; for they believe it to aim a deadly blow at all culture. Neither, if the Schedule was filled up exclusively with the names of Catholics, would that satisfy them; because the separation of religion and education would still be maintained, and their University would still be sent empty away. I trust, therefore, that all the Amendments will be withdrawn, and the division will be taken on the simple issue of the second reading. I, Sir, am very sensible how much I need the indulgence of the House; for I am going to speak upon that side which is unpopular with the Liberal party, with whom it is my privilege, in general, to act. The Bill was introduced to us as designed for the advancement of learning, and I am going to endeavour to show that it will not advance learning, but, on the contrary, will degrade it; that it is not based on religious or on any other kind of equality, and that by no fiction of terms can it be called a just Bill. Nevertheless, I greatly fear that in some shape it may be carried, and be lauded all over the country as a fresh proof of the magnanimity of Parliament, and of the determination of the Government to put an end to Irish grievances. As for myself, my views are based on the broad and simple principles of common justice. The Roman Catholics constitute four-fifths of the Irish nation, and if emigration—not conversion—had not decreased their actual numbers out of proportion to that of the conquering race, they would still be as seven to one. I should take the same line if, instead of being my fellow-Christians, they were Mahommedans; yes, Sir, and mark this, if they were Pagans, this House would not dream of forcing on them a kind of education from which their consciences revolt. They have an indefeasible right to educate their children as they think right—not as other people think right. Secular education is now your cry—but how long has it been so? Nonconformists, at present so bitter, were lately of precisely the opposite opinion; and how long is it since the right hon. Gentleman at the head of the Government, in what many of us think his better days, vehemently maintained the indissoluble union of religion and education? Professcr Shaw, of the celebrated Magee College, has conclusively shown that in 1844 the Presbyterians of the North were as much excited against secular education as they now are in favour of it; and this is what he, their own Professor of Ethics—which means morality—is constrained to say of them, in his letter to *The Times* of this morning—

> "The position of the Presbyterian people is much misunderstood. Presbyterians have no objection to denominational education for themselves; they only object to give denominational education to Catholics; but I know the feeling of the Presbyterian Church, and I am convinced that the Presbyterian love of mixed education simply means hatred of Catholics, and that its true nature will appear the moment the system threatens to endanger, not Catholicism, but Calvinism."

It is the Catholics and the Episcopalian Protestants who have not, and never can, change; but whom you require to surrender the cherished convictions of their lives in favour of the mushroom principles of the hour. Sir, the Nonconformists seem to know how to make the best of both worlds; but it is not creditable to find the Liberal party, flushed with continued triumphs, ready to abandon the very foundations of equal justice, when they are led away by the Shibboleth of religious party names, and are frightened by the bugbear of Ultramontanism, which they neither study nor understand. Changing one word, I will remind them of a celebrated saying of Archbishop Whateley, "that most men like to have justice on their side; but few men care to be on the side of justice, unless it is their own side also." There was a time—but as it belongs to

Modern History, I ought, perhaps, to apologize for introducing it in connection with this Bill—when the Protestant minority in France had, in their turn, to contend for their own rights in the midst of the Roman Catholic majority in France; and when the second article of the Edict of Nantes secured to the Huguenots, not only free admission to all Colleges and schools, but also a large annual subvention for the support of their ministers and education. There never was such hypocrisy as to say that we have abandoned denominationalism. The University of Glasgow lately received a large grant from Parliament, and, for the first time in its history, a stately Presbyterian place of worship now rears its head within those ancient walls. Within the last four or five years, University College of London, the most secular College in the world, drove into exile and did to death the greatest mathematician of the age; because, after his life-long services to it, he found the Council deserting their professed principles, and, under religious excitement, refusing a Professorship to a Unitarian, on the ground simply that he was a Unitarian. In Great Britain we have 38 training Colleges, containing several thousand students, costing the State upwards of £100,000 a-year, every one of which is sectarian, has a church or chapel within its grounds, and is, in general, presided over and governed by a clergyman or ecclesiastic. All our reformatory schools, to which liberal grants are made, are denominational, and, to crown the absurdity, Parliament gives a considerable annual grant to a Catholic training college at Hammersmith, near London. Yet we are told not only that Ireland shall not have any grant in support of the higher education of 4,500,000 of her people, but shall not even be allowed to devote, if she should so desire, any portion of her own public money to it, out of the surplus of the Irish Church Fund. Much has been said, in the course of this debate, on the change that has taken place in the public estimate of this Bill; but for that change, which is, perhaps, not so extensive as hon. Members suppose, it is not difficult to account. The nation was entranced by that marvellous feat of intellectual power which accompanied the statement of the right hon. Gentleman—

> "His tongue
> Dropt manna, and could make the worse appear
> The better reason, to perplex and dash
> Maturest counsels. . . so he pleased the ear,
> And with persuasive accents spake."

In the lobby of the House, and in places where gossips congregate, it was industriously whispered about that the Government was sure of the support of the Catholic Bishops, and this delusion or self-deception went on until last Friday week, when the bubble burst. For my own part, I was certain—and I said so —that all those statements were untrue. If the Irish Roman Catholic Bishops had accepted this Bill, no one would ever have believed them again, and what is more, they would justly have forfeited the confidence of their own flocks. All such statements could only proceed from one of two classes of persons, either from those who did not know what the Bishops had previously declared on many occasions, or from those who did not believe in their sincerity, and there is no doubt of the existence of the latter class, for in this House they were charged by the hon. Baronet opposite with practising a deep political manœuvre in now condemning the Bill; and in the Press they are called blundering politicians, blind to their own interests. Possibly, some one might think it feasible to amend this Bill in Committee; but we know well that we cannot change affirmatives into negatives, and enact a new version of the "Deformed Transformed," when once we have accepted the principle of the measure, and have sanctioned it by a second reading. Well, Sir, I was much struck by the announcement, very early and very prominently made in the speech of the Prime Minister on introducing the Bill, not merely that the Government alone were responsible for it, which is a matter of course; but that he had taken counsel with none of the bodies in Ireland, who are most concerned. Here are his exact words—

> "Circumstances, entirely independent of our own will, have precluded us from holding communications with any of the large bodies which may be said, as bodies, to be interested in Irish University education."

Surely this is a very singular announcement, and did not experience prove that in legislation, as regards Ireland, the last persons whom it is considered necessary to consult are Irishmen, it would be almost incredible. The right hon. Gentleman does, indeed, avail himself of a declaration of the Governing Body of Trinity College in favour of the Bill of the hon. Member for Brighton (Mr. Fawcett), so far as it supports his own views; but has he inquired whether there had ever been a meeting of the Senate of the University to consider this matter, or whether that declaration carried more weight than is given to it by the assent of the Provost and some of the Fellows? May we not, as far as authority is concerned, set against it the much more solemn declarations in various forms of two years before, insisting on the Protestant denominational character of Trinity College, which were signed not only by the Provost and Senior Fellows, but by scholars and graduates, and by thousands of laymen also. Well, Sir, and what reception is accorded to the Catholic Lay Declaration, signed by nearly 1,000 of the highest and best educated persons in Ireland, in favour of Catholic denominational education? Are we not perpetually told that it is deserving of no weight, because, forsooth, the priests compelled them to sign it; and are we not implored to protect the gentry of Ireland from the tyranny of their own Bishops and clergy? If the Government had condescended to make inquiries beyond the narrow limits of its customary sources of Castle information, it would have learned that it is within the last few months only that this University question has become a practical question in Ireland, and that now for the first time have Protestant and Roman Catholic University men met face to face to discuss the bearings and incidents of a matter so vital to them both. I believe there has been a complete and very striking change of opinion in Ireland, and that there is a growing persuasion that the best and only security for the existence of a real University education for Roman Catholics is in the vigour and prestige of some central place of denominational University education for them. It is not difficult to understand the consternation of those who thought themselves well-informed to find some of the most distinguished of the Fellows of Trinity unreservedly advocating Catholic claims, in the late discussion in the Senate. So long as the demon of religious ascendancy existed in Ireland, it was practically impossible to obtain an unbiassed discussion of this matter—but now, thank God, the Irish people of both religions are beginning to feel that they can place the interests and the welfare of their common country before, and beyond, the exigencies of party Government. This habitual carelessness of Irish opinion in matters of legislation is nothing new. Some time ago I was present in a large club in that town in the North of England which has founded a special school of legislation, and called it by its own name—when a discussion arose as to what was to be done with troublesome Ireland, and a tolerably unanimous opinion was expressed that the advent of a second Cromwell was the one thing needful. In the course of the conversation, I proposed to examine a statement that had recently appeared in the Irish newspapers, as to the remarkable absence of the ordinary class of crimes across the water; but on looking for an Irish newspaper, no one had ever seen such a thing, and on consulting the club list of periodicals, we found London, Provincial, Scotch, American, German, French and others, to the number of exactly 50—but no one journal of any kind or sort from Ireland. The fact is, that the English public take their opinions of Irish affairs from that column in the leading journal of the day, which is well known to be admirably prepared in the office of the most Tory newspaper in Dublin. Hon. Members will remember how that journal opened its columns during the Recess to a discussion of this University question; but it took care to exclude what did not accord with its own views, and to my certain knowledge suppressed the letters of a distinguished Fellow and Professor in Trinity College itself, signed with his own name, because he told some truths which may not be quite palatable to people who make up their minds without hearing both sides. No, Sir, if you want to know what the Irish think, you must endeavour to put yourself in their place; you must cease to make them remember that you are in the hostile occupation of their lay and ecclesiastical property, by cultivating some of that sympathy with their feelings and wishes—with their weaknesses, if you like—which is essential to all successful dealings with your fellow-men. A successful physician does not differ from an unsuccessful one so much in the actual amount of his knowledge as in the art and power by which he applies it, and suffers with or sympathizes with his patient, and the same truth applies equally to a statesman. Trinity College has been recommended to accept this Bill on the lowest and basest grounds, because, forsooth, its members would only lose £12,000 a-year of their revenues, forgetting that there was one thing dearer to them than money, and that is the purity and efficiency of University culture. Catholics had been bribed to accept this Bill by the mutilation of learning in ignorant deference to their supposed prejudices. It was reserved to a Liberal Government to study the pages of Mr. Froude, and to take their inspiration for this measure from the hideous records which he has disinterred. The hon. and learned Member for the City of Oxford (Mr. Harcourt) dared to say, last night, that in Ireland we loved not equal justice, but strove with each other to see which could get most. Let the present feeling in Ireland be the answer to that taunt. Never since the Union have Irishmen been so united as now; and if you ask the reason why, learn this. You have touched the National honour, you have shown them that you consider Irishmen an inferior race, the mean whites of Europe, to be bribed and coerced alternately. I am reminded by this Bill, and by much of your legislation, of a benevolent man who with his penny gave a lecture to an Irish beggar-man, and met with the reply—"Bedad, Sir, you are a very good kind of a man, but you take the taste out of everything you do." So this Government has such a knack of putting the right things in the wrong places—such a facility of mixing up crotchets, lectures, and incongruities with public propositions—that if the Irish do feel a certain thankfulness for having any grievance remedied, the gentlemen who do it hold themselves too nicely above them to win their hearts. I do not understand the position at all. I can understand men who say we are a Protestant country; we will give Calvinistic Scotland all she wants; we will keep up the English Establishment, or disendow it if the laity wish; we did not object to the establishment of Catholic schools and Catholic Colleges in Canada; we are quite ready to allow our troops in Malta to salute the Sacred Host, just as we pensioned the Hindoo priests in India, and rebuilt their heathen temples; and we will concede separate denominational schools for Mohammedans and Hindoos in India; but, as regards Ireland, we will not budge an inch. Ireland is not very powerful, and our conscientious scruples can safely come out in strong relief. This I can understand; but I do not understand how persons professing to be statesmen, really desirous of fair play, or in any way pretending to justice, can imagine that the Irish people will accept a scheme which is unjust in what it proposes, and insulting in what it omits. What is the toleration and religious equality of which you speak? Toleration does not mean suffering a person with whose views you do not coincide to live, it means scorning to subject him to any social disadvantage on account of his conscientious convictions, and as for the equality of which we boast, and which is said to be the basis of this Bill, let me put a hypothetical case. Suppose a philanthropist went to India, and finding his neighbours starving, made a great feast, spread his board, with fish and meat and vegetables, and wine, and said to Mohammedans, and Hindoos, and Parsees, "Come and sit down and eat"—would you call that establishing equality? Rather should I say, prepare separate tables for each, and tempt not the Hindoo with meat, or the Mohammedan with wine, but abstaining from trampling on men's consciences, trust that in God's own time He will send real Union by way of charity, and not a sham Union by way of any kind of compulsion. By the very reason, Sir, that Catholics are upbraided with ignorance, and have been deprived of the means of education, they have an equitable right to more generous, more liberal, more ample concessions. If you cannot do them justice, do nothing. Say you will not educate if you choose; but do not pretend to make the sensitive and generous impulses of the Irish tick with the Treasury watch. Remember how much money the English Government has already wasted on Irish educational schemes. This very Bill is a record of your failures, and for the same reason that they failed this fractionary and scheduled contrivance will fail again. Ask any educated man in Europe what he thinks of a University, "without any power to examine any person in Theology, or to grant any degree in Theology, or to appoint any person as Professor or teacher in Theology, Modern History, or Moral and Mental Philosophy;" and if he does not laugh in your face, and is a humorist, he will say—"Since you exclude the science of God, and the recent history of his creatures, the science of their good behaviour to each other, and the phenomena which distinguish them from the brutes, had you not better shut up your students in a madhouse?" Why, Sir, the Christian world itself sums up only some 18 centuries, and you deliberately ostracise a sixth part of them, and what is most singular that very part which is most interesting to you, because nearest to you and most within your grasp, that oasis redeemed from mediæval deserts, which you love to say was trimmed and watered by the greatest spirits of the age. Why, in a few short years the acts of this very Parliament will belong to Modern History, and it will never do to conceal from young men who it was that, headed by an Oxford Premier, destroyed University independence, and suppressed three centuries to make an Act of Parliament. I always thought that in a University you should find comprehension of subject-matter, a manly independence of thought, consecutive training, leisurely quiet; and, for my part, I should as soon think of cutting down the academic groves of Cambridge, or of filling the quadrangles of Oxford with kettle drums, as of sending a son of mine to a place where he was not to learn one-sixth part of modern civilization. The House will remember what Dr. Johnson said when some one ridiculed the English Universities for sending forth collections of verses, not only in Latin and Greek, but in Syriac, Arabic, and other more unknown tongues. After expressing the belief, in which, perhaps, some here may feel inclined to join, that "the modern politics of this country are entirely devoid of all principles of whatever kind," the sage added—"I would have verses in every language that there are the means of acquiring; I would have the world to be told—'Here is a school where everything may be learnt.'" Well, Sir, if taking further counsel of my foreign friend I were to tell him that a University forbidden to teach the tabooed subjects was to admit to voluntary examination in Modern History, and Moral and Mental Philosophy; that students of the University were not to be obliged to attend lectures, or any other course of University instruction; that they might adopt any theories they liked in Modern History, Moral and Mental Philosophy, Law, Medicine, or any other branch of learning, he would certainly think Professors a costly superfluity. If, further, I explained that a candidate for Matriculation, or for Fellowship, Exhibition, or Bursary, shall not be examined in Modern History, or in Moral or Mental Philosophy, but that the examination for degrees in the Faculty of Arts included Modern History and Moral Philosophy, he would not know whether he was among the sages of Laputa, or in the revels of Liberty Hall. If he had patience to listen further to such a tissue of contradictions, he would see that the real truth was not before him, and he would soon understand that the whole thing rests on an attempt to do two incompatible things—to pretend a show of justice to Irish Catholics, and to swamp them by a firmer, more settled, and generous plan of Irish education to satisfy Protestants. In this House, Sir, first principles are not readily listened to, and hon. Members would not thank me if I endeavoured to make them understand how it is, and why it is, that amongst Roman Catholics, all education centres round Theology; I believe they hold that God is all truth, and that the investigation of truth is nothing else but the investigation of God in His own being, and in the relations which He has established with man, whom He created to comprehend Him. But I will not dwell on such considerations, and will only say that to scatter a few public schools in distinct Irish towns, and make an Examining Committee in Dublin, is not to found a University. Call it, if you please, Mr. Gladstone's Lyceum, but do not let us make ourselves ridiculous before cultivated Europe by usurping a name and trying to gild it by the State appointment of a Chancellor, when the free election of their own Chancellor has been a leading characteristic and source of strength of our own Universities. Mr. Speaker, I appeal to both sides of the House. If the Government is neither able nor willing to grasp the problem of University education in Ireland, is there no hope that Protestant Churchmen, wherever they sit, may find some common ground on which, side by side with Catholic Prelates, to maintain a fight for common principles? Are we prepared to sit tamely by and see principle after principle frittered away, that independent action so vital to mental culture smothered by Law, great names degraded to vilest uses, and the doom of our own Church and Universities foreshadowed in this Bill? Rather cast away prejudices that are unworthy, and assist our Irish fellow-subjects to obtain a central Catholic College for their education as we have so long enjoyed a central Protestant College for our own. As an Irish Member, it is my business to study the representation of a large Catholic as well as of the Protestant population. In dealing with so vital a subject as the higher education of their children, I am bound to consider what most prevents it; and with due submission to the Leaders of this House, I say that they have not yet approached the real difficulty of the position. In trying to stifle Theology in education, you will fail, not because the Irish are Catholics merely, but because they are, both Protestants and Catholics, emotional and intensely religious in their very nature. The Scotch would not let you interfere with their Kirk, the English or Welsh Dissenters with their governing assemblies; and you have the folly to try and bribe a Catholic people by a few teaching Usherships—for Professorships they are not, and never can be—to forsake the cherished convictions of their faith. Your Mental Philosophy, if they would only learn it, may be acute, but your practical perceptions must be strangely obtuse, and there is no party and no religion in Ireland which will read through your spectacles and see the Modern History of that injured country as you do. You pluck out an eye and you cut off a hand; but it is of others, not your own. Mr. Speaker, before I sit down I am anxious to say something of the Catholic University which has now existed for a space of nearly 20 years, but of whose nature and character I believe Protestants to be entirely ignorant. Instead of being a narrow Theological Institution or a hot-bed of bigotry, it affords a not less liberal education than any College in Europe. It has but one Ecclesiastical Professor, all the rest are laymen, and I appeal to the hon. and learned Member for the University of Edinburgh (Dr. Lyon Playfair) whether some of the most distinguished men in Science and Literature are not connected with it? If the Bishops are its patrons and its censors, they are so, not only because of the fundamental constitution of the Catholic Church, but also because they have Founders' rights in the Institution, which owes its existence to their united efforts. In point of fact, they no more exercise arbitrary power than Her Gracious Majesty the Queen exercises her arbitrary power to veto the Bills that have passed through Parliament. In this age a University which did not give a first-rate education, and discuss and debate all possible subjects, would soon cease to exist. The object of the Roman Catholic Church is not to suppress discussion in its training, but to arm its pupils at all points, so that when they go out into the world, they shall not appear naked and defenceless, to fall at the first onslaught on their faith, but be familiar with all points of controversy, and prepared to defend what they believe to be true. I hold in my hand the Calendar of the Catholic University, and I confidently say that it is in no way narrower than that of any Protestant University. The Professors of Modern History, and of Logic, and Metaphysics are both distinguished laymen, the former has a pension from Her Majesty for his literary merits, and the latter informs me that, although following for the most part the course dictated to his Class by Sir William Hamilton, he includes Whateley, Dr. Thompson, Mill, Mansel, Bain, Bowen, of Cambridge, United States, and every other writer of importance who are mentioned to the Class by name, and laid under contribution. On this matter, I cannot do better than quote the very words of a distinguished man, who was formerly a pupil of the University—

"The Catholic University has been described as a home of narrow-minded bigotry. I was for two years a resident within its walls, and for many more years I have been intimately acquainted with its Professors and students, and never yet from one of its officials, nor from one of its students, did I hear one single ungenerous or intolerant remark in reference to persons of other creeds, because of their creed. I remember there was one Protestant student—just one —studying in the Catholic University in my time, and it afforded me, as it afforded my fellow-students, sincere pleasure when that gentleman was deemed worthy by the Examiners of receiving an Exhibition in Mathematics. Neither was I ever made aware of the existence of the intellectual 'Obscurantism' and 'Doctored History,' about which I have read so much in some of your contemporaries. I have heard various disputed points in History, Philosophy, Politics, Literature, &c., discussed by my fellow-students at their debating society, and in their social intercourse, with as much intelligence and freedom of thought as I have ever heard similar subjects discussed by the *alumni* of Trinity College and of other Universities, with whom I subsequently became acquainted. Many of my old fellow-students are now rising members of both branches of the legal and of the medical professions, and of the public services, and I have never heard that their training in the Catholic University has proved any hindrance to their advancement, or to their satisfactory social and professional intercourse with people of other religious persuasions."

In the *Atlantis*, formerly published by the University as a kind of repertorium of the researches of its Professors and other members of the University, you will find papers as far advanced in thought as similar ones published even in a German University. There are papers by Professor Hennessey which go to the furthest bounds of geological theory; there are papers touching on such subjects by Dr. Sigerson and Professor Sullivan, written before Darwin's first book on the origin of species appeared; and there is a most remarkable essay, by Professor Sullivan, showing the action of nature on the sounds of a language, then on the words, and lastly on its ideas. On the border land of Theology and Science there are papers on the date of the Nativity and Crucifixion of our Lord, by Mr. Scott, and on the date of the Book of Job, by Canon Morris. The Inaugural Lecture, by Professor Sullivan, which was delivered in November, 1866, on "The Difference between Chemical and Vital Force," could not have been delivered in a Queen's College, or in any mixed institution founded on compromise, because a Professor in such an institution is so anxious to prove that he is not a Free Thinker or devoid of religion, and to avoid treading on anybody's toes, that he is always hampered in his exposition of new theories. Lastly, in what debate of a Queen's College would the students discuss the character of William III., as the Literary and Historical Society of the Catholic University did, and resolve that he was a great Sovereign whose rule was beneficient to England? Contrast this with a well-known story of one of the Queen's Colleges, in which a young man during a debate in the Students' Society, spoke somewhat disrespectfully of Queen Elizabeth, and was immediately called to order by the Professor in the chair—"Oh, sir," he replied, "I was going to say something as bad of Queen Mary." On this the Professor rose in hot indignation, and remembering perhaps, the Government nomination to which he owed his Chair, exclaimed—"I will not sit here to listen to disrespectful words spoken of any British Sovereign." Throughout, Sir, it is the same, and I maintain that in these colourless secular institutions, cribbed, cabined and confined for fear of offending prejudices, you cannot have as full an education as in an ordinary College, denominational or not, which is free from Government control and interference. But, Sir, what will perhaps recommend this University more favourably to the House than anything else, is the fact that it is imbued with the true academic spirit, and that it scorns the miserable make-believe of University education provided in this Bill. True to the statutes of their own University, the work in great part, be it remembered, of John Henry Newman, the students and ex-students of the Catholic University have prayed their ecclesiastical superiors to give no countenance to these proposals, which they believe would be fatal to all higher education in Ireland. In all my intercourse with Catholics on this matter, I have never once heard a wish expressed for the destruction of Trinity College. In many of its memories they felt a just pride, if also they are scandalized by much of its intolerance, and by the history of its origin. They wish only equality—they do not expect complete justice which involves restitution—but they say, give us a clear stage and no favour, either endowment for our Catholic University, the analogue of Trinity, or disendowment for all. Sir, I owe it to my Catholic constituents to represent them rightly if I can, and I owe it to my Protestant constituents not to conceal the whole truth. I say to this House, and to the whole Church of England, take heed how you treat this Bill because it does not touch yourselves. Your own doom is pronounced, but not yet unsealed. This is only one wedge. This is only one of the preliminary fingerings of that *doctrinaire* legislation which is to substitute what fallible man is pleased to call his absolute reason, for the divine law which teaches us to study the rights and the feelings of our fellow creatures, and to do to them as we would have them do to us. Your law, your Church, your Universities, your public schools, your bar, your juries, your press, and your letters, your whole public and private life, cannot fill up the insatiable void of *doctrinaire* ambition; and when the gulf is deep enough, and the Crown itself is gone with your Senate, this Irish Lyceum will stand as a ghastly wreck, the monument of a clever, a restless, and an unscrupulous age.

SIR PATRICK O'BRIEN wished, as an Irish Roman Catholic, to advert to some of the observations which had been made as to the influence of the Roman Catholic priesthood in Ireland, which he thought had been very much "misunderstood." The persecutions they had endured, and the position of the poorer classes had connected the priesthood with them, not alone in a spiritual sense, but in the most intimate relations. On this subject, Edmund Burke said—

> "They are connected with it—the Church—by many ties—ties which, wherever they exist, bind strongly the human heart. Their Church makes a part of their history. It has shared in all their vicissitudes of good and of evil fortune; it has drunk deeply of their almost exhaustless cup of bitterness; it has clothed itself with their best affections; it had nestled in their tenderest sympathies, and entrenched itself in their most generous recollections."

The priests had been often the sole advisers and consolers of large masses of the Irish people, and it was not unnatural that on the important subject of education the people should turn to those who were their best counsellors in other ways. The right hon. Member for Liskeard (Mr. Horsman) might have learned a lesson of moderation from the hon. Member for the University of Edinburgh (Dr. Lyon Playfair), but he thought the latter had erroneously disparaged the influence of the Catholic religion upon literature. He would remind the House that at a time when there was no Protestant in Europe, the Roman Catholic clergy were the only depositaries of truth, and the only preservers of literature. In reference to the Bill now under consideration, he could assert with perfect truth, that there was not a Roman Catholic Member, no matter what would be the system of education afforded to Ireland, who did not start by expressing his ardent desire that a University should be established where the degrees conferred should be worthy of the former fame of the country, and should be such degrees as would be acknowledged in every literary society in Europe. When the Church Bill was before the House no Roman Catholic rose to express a wish to take a farthing from the Church funds. But this Bill did not go on all fours with the former measure. Under the circumstances of Ireland, he thought Irishmen made no undue demand in asking Englishmen to waive their prejudices. The money given to one of the Colleges which the Bill proposed to abolish would almost settle the question of University education in Ireland by the endowment of a denominational College. Bishop Butler drew a wide distinction between the passions of emulation and envy. In emulation, a man wished to attain the elevation of another without lowering him by the process; in envy, the object was to lower the competitor. The Irish required justice for themselves, but they did not seek to obtain it by doing injustice to others. Believing the Bill was regarded by the people of Ireland as an insult, he was compelled in justice to his feelings, for the first time in 21 years, to vote against his party.

MAJOR TRENCH said, he had experienced some difficulty in arriving at a determination as to the vote he should give; because, at first sight, there was a great apparent similarity between the scheme of the Government and that which he had himself propounded in his address to his constituents. A mature consideration of the former had, however, sufficed to dispel this apparent similarity. He had expressed himself in his address — a passage, from which he would, with the permission of the House, read—as being in favour of one University for the whole of Ireland, for

> "Conferring degrees, and that the Governing Body of this national University should be so selected as to inspire general confidence. To this University all Irish Colleges (properly so-called) should be affiliated; and as regards the claim for the endowment of a College for such Members of the Roman Catholic faith as do not like to avail themselves of Trinity College, I cannot see that complying with that request would be other than an act of justice."

He had, since the issuing of his address, had considerable experience, and he was free to confess that he was not as enamoured of the idea of a single University as he was, because he saw no prospect of a Governing Body being nominated which would inspire universal confidence. Concurrent endowment was excluded from the Bill; without it, he could not hope for a lasting and satisfactory solution of the question. There were good grounds, too, for the opinion that the effect of the measure would be to lower the standard of education in Ireland. Under all these circumstances, he felt compelled to give his vote against the second reading of the Bill.

MR. DISRAELI: Sir, I think it convenient occasionally in a prolonged debate, and especially at the period at which this has arrived, that the House should take a general view of its position, and ascertain as accurately as it can what is the real issue before it. Now, Sir, in the course of this discussion, which has occupied much time, but the duration of which ought not to be measured by the time which has elapsed since it commenced, because during that period several evenings have been devoted to other subjects, many admissions have been made and many remarks have been offered by persons of authority which have given to this debate somewhat of that character which, to adopt a now fashionable epithet, may be described as "bewildering." We have heard on several occasions that various points which have deeply interested us in the course of this discussion have ceased to be essential; but these declarations have not been sufficiently distinct, nor made, to my mind, from persons of adequate authority. The hon. and learned Gentleman the Member for Oxford (Mr. Harcourt) made last night on the part of the Government a speech which would have become an Attorney General. He stated the case of his clients with considerable dexterity. He passed over some portions of the Bill, which I am apt to think are still of great importance, partly by bestowing upon them a Parliamentary nickname, and partly by confidentially informing us that they were dead already. But we have not as yet received any distinct intimation from any Member of Her Majesty's Government to that effect. The debate of last night concluded by a remarkable speech from the Secretary of State for War, which has formed the *corpus* upon which the comments of this evening have been made, and which appears, indeed, to have exercised a considerable influence upon the impending vote. We have been told this evening that the right hon. Gentleman the Secretary of State surrendered every point of controversy in regard to this Bill. But nobody seems to have remarked some observations which followed those of the right hon. Gentleman, and which were made by his chief, the Prime Minister, in which he most distinctly disclaimed the inference that any point of any kind had been surrendered. ["Hear!"] I am sure I have no intention of misquoting the right hon. Gentleman. I desire accurately to reproduce his language. The words of the right hon. Gentleman were uttered as the House was breaking up, but were faithfully reported. The language of the right hon. Gentleman was that the statements which had been so frequently referred to as having been made by Ministers of the Crown respecting the portions of this Bill in which there might be some changes, amounted only to this—that if we entered into Committee on the Bill, Her Majesty's Government undertook that all those points should be fully discussed. "Not," as the right hon. Gentleman added, "that these statements meant that we admit that we were in error, or that we were not disposed to support the propositions which we had made." I believe I have accurately, if not verbally, given the remark of the right hon. Gentleman. Well, but this ought to induce us to consider our position with considerable caution. Of course, if we go into Committee all those points will be fully discussed. What on earth else do we go into Committee for, but to discuss them? Now, I have had rather a long experience of this House. I have seen many important measures brought forward by both sides of the House; I have heard many objections to those measures; I have heard Ministers promise, and very properly promise, in vindicating the second reading of their Bill, that if the House would only go into Committee all those objections should be fairly discussed. But I have generally seen that when they have gone into Committee not one of those objections has been carried. Now, I am sure that the House will act on the present occasion with the caution which is necessary. Last night, after the speech of the Secretary of State, my hon. Friend the Member for Northumberland (Mr. Liddell), with that business-like perspicacity which distinguishes him, said—"What need is there for any further discussion? We had better at once go into Committee. The Government have nothing to propose, and the House may then proceed to business." But with great deference that is not the proper course. The interpretation which my hon. Friend the Member for Northumberland places upon the speech of the Secretary of State is not the correct one, but is, as I must assume, entirely incorrect. If it had been true indeed that Her Majesty's Government had given up every point of importance in their Bill, the proper course for Her Majesty's Government would have been to withdraw the Bill. Not, of course, after a second reading, in order to obtain a Vote of Confidence. If Her Majesty's Government want to obtain a Vote of Confidence under such circumstances, they should apply not to a "candid" but to a sincere friend. That is the Parliamentary practice. There is the hon. Member for Surrey (Mr. Locke King). The hon. Member for Surrey, after recent proceedings, could scarcely refuse to propose a Vote of Confidence. And this I can say for myself and many Gentlemen on this side, we have no wish to oppose it. If Her Majesty's Government have not the confidence of the House of Commons, I want to know what have they the confidence of? It is a House returned under their auspices. ["No, no."] Well, elected under the exciting eloquence of the right hon. Gentleman. When I remember that campaign of rhetoric, I must say I think this House was formally as well as spiritually its creation. The course to which I have referred would be the natural course of proceeding; but really to ask the House to vote for a Bill which it does not approve, in order to prove its confidence in the Government, is not one which I think would be satisfactory. That which I have indicated is the usual and the constitutional one. But, Sir, under these circumstances—there being no proof whatever at the present moment that Her Majesty's Government have relinquished a single clause of this Bill—nothing, if my version of what has occurred be correct, being more certain than that the right hon. Gentleman the First Minister of the Crown has stated that all that they are pledged to is that if we go into Committee every point should be fully discussed, while, at the same time, he declared that his own opinion was not changed, that he and his colleagues did not think themselves in error and were prepared to maintain the propositions which they brought forward—I want to know what can I do but consider the Bill before me? I cannot assume, because the hon. Member for the city of Oxford tells me that the clauses which I think most objectionable are already dead—I cannot assume on his assertion—at least not yet, that those clauses are withdrawn.

Well, under these circumstances, I must consider the Bill as it has been presented by the right hon. Gentleman, and as it has been explained in the speech in which he introduced it. Sir, I will consider the measure first upon its merits. I will not now inquire what are the causes of its introduction into the House, or what may be the consequences of the measure if it is passed. I think the fairest and most proper mode is to consider it first on its merits. I object to the Bill for many reasons; and I object to it first because it is a proposition to institute a University which is not universal. Now, I do not pretend for a moment to say that I expected the new University of Dublin should teach everything, nor am I sure that it would be easy to fix upon any University ancient, modern, or mediæval which did fulfil that condition. But this I say with some confidence even to the right hon. Gentleman, whose academic knowledge is so great—that there is no instance, at least none with which I am acquainted, in mediæval or modern times of any attempt to establish a University for the study of the Faculty of Arts the most generous of all the Faculties, where there has been simultaneously a proposition to emasculate that Faculty and to mutilate that generous study. Of that, I believe, there is no instance. And in arguing this case I must virtually consider that the proposition for the new University of Dublin is a proposition for an institution founded mainly to enter into the studies comprehended in the Faculty of Arts. No doubt there are other Faculties that will be connected with the University when established; but after the speech of the right hon. Gentleman, and after the manner in which he dilated on that particular Faculty, I assume—indeed the right hon. Gentleman admitted it himself that it was to secure a Faculty of Arts for the people of Ireland that this great institution was to be established. Well, I say there is no instance whatever of a proposition to institute a University founded mainly for the study of the Faculty of Arts, where at the same time it was proposed to mutilate that Faculty, and interdict the study of some of its most important branches.

But before I touch on that part of the subject, in order to prevent any confusion, I would remind the House of an important provision in this Bill which has been very slightly touched upon in the course of the debate, and which cannot be considered under the head of the Faculty of Arts, and that is the proposition to transfer the Faculty of Divinity from Dublin University to another body. Now, in the first place, I doubt — I more than doubt — the power to transfer a Faculty in this country. A Faculty in foreign Universities is a corporate body, and you can transfer a corporate body. There are instances in foreign Universities in which a Faculty has been transferred from a University in one part of Germany to a University in another part, and with that Faculty would of course have been transferred its property; but a Faculty in an English University—and Dublin University follows the system of the English Universities is not incorporated. A Faculty, as I understand, is not incorporated in the University of Dublin. This is not a mere technical objection—it is not a mere affair of words. What will happen in this case? First of all, instead of transferring the Faculty to the new body called the Irish Church Body, you must legally destroy the Faculty of Divinity in Dublin University. You must then create a Faculty of Divinity in the Irish Church Body, and you must confiscate the property of the old Faculty of Divinity, and, finally, you may transfer that property to the Irish Church Body. But the House will see this is a very strange and violent proceeding. It is not at all to be effected by the Bill which is now before us. And this leads me to ask the House to consider this point—what is the necessity of depriving Dublin of its ancient and famous Faculty of Divinity? I can easily conceive that in olden days, when the University was founded on tests—and so far as Trinity College is concerned it is virtually free from tests, for it is not the fault of Trinity College that it is not emancipated from them—I can easily conceive that in the olden days of tests, and when there was a Faculty of Divinity with compulsory attendance, there might have been an overwhelming majority in the House who, if it had the opportunity, would have abolished such a Faculty. But that is no longer the case; and if the University is to be open to all without compulsory attendance, why, I ask, is this Faculty of Divinity, which has been so long a brilliant, a successful, and a famous Faculty, to be abolished? There is another point connected with this, also of much importance. The Faculty of Divinity in Dublin has the high privilege of conferring degrees; does the right hon. Gentleman propose by this Bill, if he succeeds in the previous part of his operation, to transfer the privilege of conferring degrees in divinity to the Irish Church Body? That ought to be answered. If he does not, the Protestant Episcopalian population of Ireland will be placed in this remarkable position, that there will be no power in Ireland to confer a degree in divinity. That is a matter for consideration. But perhaps the right hon. Gentleman will say it is his intention that the Irish Church Body, to whom the Faculty is to be transferred, should have the power of conferring degrees in divinity. I should like to know from the right hon. Gentleman whether that is his intention. Perhaps he will say that the 16th clause provides for this. Now, when I look at the 16th clause I find that religious bodies in Ireland shall have the power of conferring degrees. Now, is that a serious provision or is it not? Are we to understand that the Mumpers and Jumpers are all to have the power of conferring degrees? This clause is to transfer to religious bodies the power of conferring degrees. It is an extraordinary proposition. I remember a few years ago there was a sect peculiar to Ireland called the White Quakers. They had a grievance, and they communicated frequently with me upon it. I did not clearly see it, and I did not bring it before the House. I had a becoming prescience, for if I had taken up their case they might have conferred a degree upon me. I think this a monstrous proposition—to abolish the theological Faculty of a University like Dublin, to transfer the privilege of conferring degrees in divinity, I will not say to an unknown, but certainly to an untried body, however respectable, and by virtue of a clause—if the clause has that virtue, which I doubt—which permits any religious body in Ireland to confer a degree! To confer a degree is a Prerogative of the Crown, and it ought to be one of the most precious Prerogatives of the Crown. I thought we were living in times in which we were so shaping our course and taking such means that the period had arrived when a degree would be highly valued, and the delegation of such a Prerogative by the Crown would be considered by any corporate body one of the greatest honours and privileges. It does not appear so from the policy of Her Majesty's Government. Look at this clause —it is a short one; it will be found it is only a saving clause; and I doubt very much whether under that clause such a privilege can be exercised. In what a position you place the whole population of Ireland connected with the Anglican Church if, when the Bill is passed, there be no power in Ireland to confer a degree in divinity! This point has not yet been brought out in discussion, and it seems to me to be one of much importance. I find there are prejudices upon the subject in many quarters, but I must express my great regret that in the new University the right hon. Gentleman has not proposed a Faculty of Theology. I do so upon this ground—whatever may be your arrangements, I do not think you will be able to prevent the study of theology to a certain degree in any University, and hence you will find yourselves in a position of embarrassment. Recently I was looking over a programme of lectures on Oriental literature about to be given next Term in the University of Cambridge. I have no doubt that many Gentlemen have perused with interest the same programme. Lectures are to be given by most eminent men in Sanskrit, in Hindustanee, in Hebrew, and in Arabic. I remember the lectures of the Professor of Arabic are to be upon the Koran; he is to give a series of lectures to undergraduates at Cambridge on the Koran. There is nothing in this Bill to prevent a Professor of Arabic in the new University giving a series of lectures on the Koran; there is nothing to prevent him giving a series of lectures on Buddhism, on the religion of the Vedas, or on that of Zoroaster. If Professors are competent to lecture with ability on such objects, we all know what a spell they can exercise over their audiences. Their enthusiasm and erudition and the mystical elements connected with such studies make a combination which has an entrancing effect on youthful students. Their lectures will be attended—but by whom? By youths that are not educated in the religion and theology of their own country. A Professor may not contrast Christianity with Buddhism, or with the Koran; and so you bring about a state of things in which the youth of that University are acquainted with the dogmas of every religion except their own. This is a preposterous proposition, and it shows you are entering upon an unnatural course when you begin in a University by destroying the sources of knowledge. A University should be a place of light, of liberty, and of learning. It is a place for the cultivation of the intellect, for invention, for research; it is not a place where you should expect to find interdiction of studies, some of them the most interesting that can occupy the mind of man.

Now, Sir, though I will treat it very briefly, I must say something about the extraordinary clauses that attempt to interdict the public study of some of the greatest subjects which hitherto have engaged the intellect of men, and which clauses, we have been told, but not on sufficient authority, have been withdrawn from the Bill. If I had the slightest intimation that they would be withdrawn, I should only be too glad not to touch upon them. I must press upon the House that we have had no satisfactory evidence of the kind. We must remember we are embarked in the discussion of one of the most important measures that could be brought before the consideration of Parliament; important not so much for the specific object which appears to be the ultimate result of this measure if it be passed, but because of the great principles which are involved in many propositions which are contained in this Bill. I treat the proposition to omit from a new University, founded, above all things, for the study of the Faculty of Arts, the study of Philosophy, as one of the most astounding that could have been made, and that it should have been made by a British Minister in the House of Commons, of all places, and by the Minister who is the leader of the Liberal party, does indeed astonish me. I had always considered that some knowledge of the laws which regulate the mind, and of the principles of morality made the best foundation for general study. But if ever there were a period in which a Minister founding a new University should hesitate before he discouraged the study of Metaphysics and Ethics, it appears to me to be the age in which we now live. This is essentially a material age. The opinions which are now afloat, which have often been afloat before, and which have died away as I have no doubt these will die in due time, are opposed to all those convictions which the proper study of Moral and Mental Philosophy has long established. And that such a proposition should be made with respect to a University which has produced Berkeley and Hutchison makes it still more surprising. We live in an age when young men prattle about Protoplasm and when young ladies in gilded saloons unconsciously talk Atheism. And this is the moment when a Minister, called upon to fulfil one of the noblest duties which can fall upon the most ambitious statesman—namely the formation of a great University, formally comes forward and proposes the omission from public study of that Philosophy which vindicates the spiritual nature of man. I will say upon this subject what I have already intimated with regard to the crude and unwise attempt to abolish the Faculty of Theology. You will find it difficult—almost impossible—practically to carry your project into effect. The right hon. Gentleman will perhaps tell me has not abolished the study of Philosophy, either Mental or Moral. I know that it is quite true that all who attend his projected University may prosecute this study. Yes they may, but they won't. The fact is that all the encouragement is given to other studies. These are abstruse ones, and you will naturally find that when the honours and emoluments are given to other studies, those which are abstruse and difficult will not be pursued. But that, by the bye. What I want to impress on the House is that this monstrous proposition, while it will do a great deal of harm, will not even effect its purpose. How can you prevent lectures on Philosophy? For instance, suppose the Latin Professor wants to give a series of lectures—as the Arabic Professor may on the Koran—it is very natural that he should give lectures on Lucretius. Indeed, at this moment it is a probable circumstance. The waning reputation of English scholarship has lately been vindicated by an admirable edition of Lucretius which does honour to Cambridge, and is worthy of the days of Bentley. I refer to the edition of Lucretius by Professor Munro. Now, an accomplished Professor in the new Dublin University might take Munro's Lucretius and give lectures on that work. What becomes of his students? They will soon find themselves involved in the atomic theory, and will have Protoplasm enough if they read the work with the discrimination which under the lecturer's inspiring guidance of course they would. There is scarcely a theory of Darwin which may not find some illustration there, and the students may speculate on the origin of things and the nature of Providence, and what is the consequence? Why, in this University, once so celebrated for its Moral and Mental Philosophy, the Professor will be addressing a body of students totally unprepared by previous studies to bring into intellectual play the counter-acting influences which any youth could do who had been properly schooled in the more modern, the advanced, and improved philosophy of the times in which we live, and in the mental discoveries which have been made in England and Germany. The student may be learned in the gardens of Epicurus, but everything that has been discovered by the great thinkers of our generations is to be entirely unknown to him. I need not pursue this subject further. How can a Professor lecture on Aristotle, Plato, or Cicero without lecturing on Philosophy? And he is always to be lecturing to a class of students unarmed and undisciplined in the profound and rich learning which is the boast of modern ages.

I will say one word on the omission of the study of Modern History. The right hon. Gentleman may try to vindicate that omission because Modern History does not figure in the *curriculum* of the old Universities. That, however, is, in my opinion, no adequate excuse for a great University reformer, or for a statesman who is about to establish a new University. I thought that even in our old Universities, at least for the last 40 years, we had been endeavouring to expand the *curriculum.* We have introduced new Sciences; we have introduced the study of History, and though it may not be found in the old *curriculum,* everyone, I think, would assume that if a new University was about to be founded the study of Modern History would constitute a part of the Faculty of Arts. Just as it was extraordinary that the right hon. Gentleman should fix on an age of material scepticism to abolish the Chairs of Philosophy, so it appears to me most remarkable that he should determine not to have a Chair of Modern History at a period, and in an age when the study of History has become a science, and when indeed there are many principles of Historic criticism now accepted, which are as certain as the propositions of Euclid. This is the moment at which he chooses to subvert this study. But the right hon. Gentleman will, I think, find even in the study of History that his object is not attained, and that directly and collaterally there will be constant controversies in the University on historic matters, though there may be no Professors to guide and enlighten the students. But so far as I can read the Bill, and it is the only point with reference to this part of the subject which I will now make, it is not merely the study of Modern History which is forbidden. It seems to me that the Professor of Ancient History will also be involved in great peril. For instance, the mind of Europe, and I might say of America, has been formed by two of the smallest States that ever existed, and which resembled each other in many particulars. Both were divided into tribes; both inhabited a very limited country and not a very fertile one; both have left us a literature of startling originality; and both on an Acropolis raised a most splendid temple. I can conceive the unfortunate Professor in the new University, restricted in his choice on so many subjects, deprived of divine Philosophy, not permitted to touch on the principles of Ethics, looking around him at last with some feeling of relief and fixing for his lecture upon the still teeming and inexhaustible theme of Athenian genius. He would do justice to the Athenian tribes—their eloquence, their poetry, their arts, and their patriotic exploits. But what if the Professor, lecturing on Ancient History, were to attempt to do the same justice to the tribes of Israel? He could hardly deal thoroughly with Hebrew history without touching on the origin of the Christian Church, and then it would be in the power of a single one of his audience to threaten the Professor, to menace him for the course he was pursuing, and to denounce him to the Council, who, if they had a majority—and a majority of one would do—might despoil him of his Chair, and his Chair of a man venerable for his character and illustrious for his learning. A single vote would do, and probably it would be carried by a single vote: the vote of Carlow College!

This brings me to the consideration of the Council of the University. I am dealing with the Bill on its merits, without any allusion to the causes of its production, and without the slightest reference to the consequences to which it may lead. There is in the Council one remarkable feature, which it appears to me has not been sufficiently noticed. It is, so far as the Bill is concerned, despotic; the power of the Council is uncontrolled; it is unlimited, or limited only in this—that it must not consist of philosophers or modern historians. When we consider what the power of the Council of a great University like this must be, and when we consider that in this case they will be unlimited and uncontrolled, when we bear in mind that a majority of one can exercise a complete authority over the Professors, the lectures, the examinations, the books—a most important matter—the Schools of Medicine, the Schools of Law, and the Faculties of Arts, I am not surprised that my hon. Friend the Member for Lynn Regis (Mr. Bourke)—and, I think, with no unconstitutional curiosity—should ask that we might be enlightened upon the matter. Sir, how was he answered by the right hon. Gentleman? The right hon. Gentleman, as if he were fresh from an interview with some secret deviser of this Bill, at once meets us with a *Non possumus.* But although the right hon. Gentleman might demur to furnishing at once all the names of the Council of this University, still he will allow me to remind him that he gave us no information whatever, and the Bill gives us no information, of their character and quality. [Mr. GLADSTONE dissented.] Well, the right hon. Gentleman will follow me, and that is a great advantage. Do not let him grudge me the opportunity of making a simple statement. It appears to me that no information whatever is given; at all events, that there is a want of information upon some points upon which I will ask the right hon. Gentleman, and he can reply at his leisure. I want to know, if he will not give me their names, what is the quality of these anonymous persons? What is their situation? Are they laymen or are they clerics? Are they to be paid or unpaid? Are they to be resident or are they to be provincial? By what means do you propose to enforce their attendance? What is the *commune vinculum* among them? Sir, these are questions which the right hon. Gentleman failed to anticipate in his original statement, and some provisions, some enactments on such subjects might surely have been expected to appear in his Bill. Well, this Council is to consist of 28 persons. How are they to be obtained? They are all to be distinguished men. They are all to be—and I thought the expression was a happy one—they were all to be "eminent men and of moderate opinions." Now, no one is more prepared than I am at all times to do justice to Irish genius. I have not the slightest doubt that under any circumstances there will be no lack of distinguished men in Ireland—no lack of eminent men; but perhaps there may be some difficulty in always securing men of moderate opinions. Sir, how are these things generally managed? I could give the names of 28 men in Ireland, distinguished men—men whose names are known not merely to the United Kingdom, but, I might say without exaggeration, to Europe. That those 28 men would be of irreproachable character is not to be questioned for one moment. There would be no difficulty about obtaining men who, for their learning, their eloquence, and their political experience, could not easily be matched either in any part of Her Majesty's dominions, or the world in general. Now the House is pretty well aware how 28 gentlemen would be obtained under the circumstances. I suppose that Cardinal Cullen would be one of them, and his Eminence would be paired off with the Primate of the Protestant Church. Then, under the circumstances in which we are placed, the Provost of Trinity College would be a most admirable councillor, and would pair off against Monsignor Woodlock. Then would come Lord Chancellor O'Hagan, who would probably pair off with the right hon. Gentleman who filled the same office for us. But what would be the result? Why, you would have in your Council very much what you have in this House—two parties organized and arrayed against each other, with two or three trimmers thrown in on each side. Now, Sir, what has interested me much in this discussion is the light that has been thrown by several hon. Gentlemen on both sides on this matter of a Council by reference to the National Board of Primary Education in Ireland. My acquaintance with that Board is not, of course, very extensive, but when I was in office circumstances happened which made me acquainted with the conduct of the Board, and I believe it was average conduct. What was their conduct in that instance, as put before me? Constant divisions, slight majorities, majorities of one. But that is not the way in which the groves of Academe are to be administered. You may tolerate that in a Board of Primary Education, for it is a Board entirely of modern institution; but let me impress upon the House that there is a total want of analogy between the anonymous Council of the right hon. Gentleman for this great University—if it is to be a University, let it be a great one—and the Board of National Education in Ireland. The power of the University Council is, as I have shown you, unlimited. They have at once to create all the rules of this great University. They have to devise everything. The Board of National Education, on the other hand, whatever may be their violent cliques, are a limited power—they have to create nothing. Parliament prepared, Parliament devised all the rules and orders under which the primary education of Ireland was to be carried on. There is no similarity between the two cases. Every year the doings of the Board of National Education are brought necessarily under the cognizance of Parliament by the vote which we are called upon to agree to; and even if that were not the case—if their course were so eccentric and unreasonable that it was no longer to be tolerated—the Minister, if supported by Parliament, has the power to put an end to their existence, and dismiss every member of the Board. What similarity is there, then, between that Board and the anonymous despotic Council who, at their own instance, are about to create a constitution for the University? Suppose this Council differ—and it is not impossible that they will differ—suppose they thwart each other; suppose some of the passions which have influenced even the humbler Board of National Education are not absent from this Olympian assembly. Suppose they compromise the first principles of education. Take, for instance — I need not confine myself to the Faculty of Arts—the School of Medicine, a celebrated School in Dublin. Suppose they do not agree as to what hospital shall be attended by the students of the University. That is not at all an improbable affair. It is a question very likely to arise. I see there are great religious cliques and coteries in Dublin about hospitals. There are Roman Catholic hospitals and there are Protestant hospitals. Very likely that will be the first thing the Council will quarrel about. And suppose they come to no agreement in this, and say—which is very likely — "We will have no Medical Faculty at all." Suppose they did the same thing with regard to Law, then there would be no Faculty of Law. You will find when the new University is established that these dissensions will necessarily arise from the party elements of which you have formed it. Now, Sir, it has been said in this debate that there is a great inconsistency in the Roman Catholics opposing a measure which the Protestants equally oppose, and some hon. Gentleman told us the only inference we could draw from that was that the measure was a just one. No doubt there is a plausibility, though of a shallow character, in that observation; but I should hardly think the right hon. Gentleman, who has plenty of resources at his command, will make use of it, though it is not impossible, if an inferior artist were in his place, that he would play upon that string for some time. Now, the fact is, that if the matter is looked into, there is no inconsistency whatever in the course which the Roman Catholics have adopted in this matter. That I must do them the justice of saying. The Roman Catholics have an inexorable objection to united education. They believe that in matters of faith and morals—and those matters, in fact, with their definition, include everything—Roman Catholics ought to be educated by Roman Catholics. Their opposition, therefore, to a measure like the present may be—and I have no doubt is—most sincere, because they go upon the principle that they will oppose everything which is adverse to the principles they sincerely believe to be immutable. But the Roman Catholics, however high and firm they may be in their principle, are, like the children of this world, wise in their generation. If they find that their resistance has been ineffectual—if they find that all their attempts to defeat this measure are unavailing—I have not the slightest doubt —and who can blame them—that if this Bill were to become an Act, they would immediately set to work to obtain as much good in their view of the case as could be obtained in realizing as nearly as they possibly can the views which were submitted to their acceptance by the President of the Board of Trade, and converting your compromise as soon as they possibly could into their supremacy. Sir, I have not the slightest doubt that that would be their course, and that they would be perfectly justified in that course. I have not myself any doubt that if this Bill is passed in the shape in which it is laid upon the Table, and as we have a right, so far as Ministers are concerned, to believe it is the only shape in which it will pass, the views which were expressed by the right hon. Gentleman the Member for Kilmarnock (Mr. Bouverie) were perfectly correct, and that this Bill can be worked. and will be worked, to secure a Catholic majority upon the Council, and through that Catholic majority to obtain complete control over Irish University education. Nor do I express that as being any discredit or to give any offence to the Roman Catholics. It is exactly the course which, under similar circumstances, we ourselves would take. There is nothing inconsistent whatever in the opposition—the internecine opposition—which the Roman

Catholics generally offer to the measure of the Government at this moment, with the fact before us that if you establish this University—if this Bill should pass—the University would ultimately become a Roman Catholic University. The first duty of the Roman Catholics is to maintain their inexorable principle as they regard it; the next, is to make the most of the circumstances which they have to encounter; and those who think that by saying that the Roman Catholics are opposed to this Bill and the Protestants are opposed to it, that therefore the measure must be adjudged a just one—those who think that by expressing those platitudes they are really offering unanswerable syllogisms to the House, only give another proof that the affairs of man are not regulated and ruled by logic.

Now, I would say one word upon the position of the Irish Roman Catholics, particularly in reference to this matter. Sir, they are no supporters of ours. They have never supported us, although, as far as I am concerned, I should express now what I have ever felt—my respect for an ancient race and an ancient faith. But I regret the position in which they find themselves. That position, however, is in a great degree owing to their own exertions. We have had many allusions in this debate to the conduct of the late Government with respect to this subject. These allusions have been made in Parliament before, but slightly and casually, and I have listened to them with a silent smile. I have always been of opinion, as a general rule, that there is no waste of time in life like that of making explanations. One effect of the imputations that have been made upon myself, and I think I may answer for my colleagues—not only upon this but upon other matters—has been to make us at least charitable to our immediate opponents; and they never hear from me taunts about their secret correspondence and communications with parties with whom they ought not to hold those communications, or as to the stories which are prevalent in this House, because I have not the slightest doubt that in their case they are as utterly false as they are in our own. Now, Sir, let me, as the direct subject is before us — as these were not casual observations about a policy framed to catch the Irish vote, or what was called by a high authority at the commencement of the debate piscatorial efforts to obtain Irish influence and support for the Government—let me make one or two remarks upon the conduct of Her Majesty's late Government with regard to this very question of Irish University education. Sir, the late Lord Derby was certainly not an enemy to a system of united education. He might be said to have been its creator; and among the great services to his country of that illustrious man I know none that were more glorious. He never flinched in his opinions on that subject. The matter of Irish education was brought before him shortly after the formation of the Government of 1866. But by whom was it brought? It was brought before his consideration by men who possessed, and justly possessed, the entire confidence of the Protestant Church and the Protestant University of Ireland. It was at their instance his attention was first called to the matter. Let me remind the House—for though it is Modern History I may be pardoned for referring to it—let me, I say, remind the House of the general system under which Ireland was governed a few years ago, a system, however, which had prevailed for a considerable time. It was a system which endeavoured, not equally, but at the same time gradually, to assist, so far as religion and education were concerned the various creeds and classes of that country. It had in its rude elements been introduced into Ireland a very considerable time back, but during the present century it had been gradually but completely developed, and it was called, or has been called of late years, concurrent endowment. I am not going to entrap the House into a discussion on the merits of concurrent endowment, for concurrent endowment is dead, and I will tell you in a few minutes who killed it. But this I will say of concurrent endowment, that it was at least a policy and the policy of great statesmen. It was the policy of Pitt, of Grey, of Russell, of Peel, and of Palmerston. The Protestant Church of Ireland under that system had held its property of which, in my opinion, it has been unjustly and injuriously deprived. The Roman Catholics had a magnificent and increasing collegiate establishment. The Presbyterians had a *Regium Donum*, which I always was of opinion ought to have been doubled. So far as Lord Palmerston was concerned—and Lord Palmerston was always called the Protestant Premier—he was prepared, and had himself recommended in this House, to secure to the Roman Catholics their glebes. That policy is dead. Sir, when Lord Derby had to consider this question, he had to consider it under the influence of that policy. Devoted as he was to the cause of united education, it was his opinion, on the representations which were made to him by those who represented the Protestant Church, the Protestant College, and the Protestant University of Ireland, that the position of Roman Catholics with respect to University education was, I will not say "scandalous," but one which demanded the consideration of statesmen. Propositions were made and placed before him. It became our duty, according to our view of our duty, to place ourselves in communication with the Roman Catholic hierarchy. We thought that was the proper course to pursue—that it was better to attempt to bring about a satisfactory settlement of which there appeared to be some probability by such straightforward means rather than by dark and sinister intrigues. Two Roman Catholic Prelates were delegated to this country to enter into communication with the Government. Unfortunately, when the time had arrived, power had left Lord Derby, and I was his unworthy representative. I did not think it my duty, or for the public service, to place myself in personal communication with those gentlemen; but two of my Colleagues did me the honour of representing me and the Government on that occasion, one of them eminent for his knowledge of Ireland and of the subject, the late Lord Mayo, and the other a man distinguished for his knowledge of human nature, the late Lord Privy Seal (Lord Malmesbury). And I am bound to say that they represented to me—and I mention them as competent judges of the matter—that those negotiations were conducted by the Roman Catholic Prelates with dignity and moderation. Sir, I may have been too sanguine; but there was a time when I believed that some settlement of this question, honourable and satisfactory to all classes, might have been made. I am bound to say that no offer of endowment was made by the Government. I am still more bound to say that no offer of endowment was urged—although it might have been mentioned—by the Roman Catholic Prelates. I am bound to say this because the right hon. Member for Kilmarnock (Mr. Bouverie) referred to a document of much more ancient date—a communication from Sir George Grey which conveyed a different view. I suppose the Roman Catholic hierarchy had profited by the experience of that negotiation. It is unnecessary to dwell on these particulars. The right hon. Gentleman says I burnt my fingers on that occasion. I see no scars. The right hon. Gentleman opposite was a pupil of Sir Robert Peel. He sat in the Cabinet of Lord Palmerston, who was supposed to be a devoted votary of the policy of concurrent endowment. The right hon. Gentleman suddenly—I impute no motives, that is quite unnecessary—but the right hon. Gentleman suddenly changed his mind, and threw over the policy of concurrent endowment—mistaking the clamour of the Nonconformists for the voice of the nation. The Roman Catholics fell into the trap. They forgot the cause of University education in the prospect of destroying the Protestant Church. The right hon. Gentleman succeeded in his object. He became Prime Minister of England. If he had been a little more patient, without throwing over concurrent endowment, he would, perhaps, have been Prime Minister as soon. The Roman Catholics had the satisfaction of destroying the Protestant Church—of disestablishing the Protestant Church. They had the satisfaction before the year was over of witnessing the disestablishment of the Roman Catholic Church at Rome. As certain as we are in this House, the policy that caused the one led to the other. It was the consistent and continuous achievement of a man who is entitled above all others to the reverence of Protestants—and that is Cardinal Cullen. For if there be one man in the world more than another to whom the fall of the Papacy is attributable, it is to his Eminence. He was the author, and has been the prime promoter in this country of the alliance between Liberalism and the Papacy. And now, Sir, see what occurred. The Roman Catholics, having reduced Ireland to a spiritual desert, are discontented, and have a grievance; and they come to Parliament in order that we may create for them a blooming Garden of Eden. The Prime Minister is no ordinary man. [*Ministerial cheers.*] I am very glad that my sincere compliment has obtained for the right hon. Gentleman the only cheer which his party have conferred upon him during this discussion. The right hon. Gentleman had a substitute for the policy of concurrent endowment, which had been killed by the Roman Catholics themselves. The right hon. Gentleman substituted the policy of confiscation. ["Oh!"] You have had four years of it. You have despoiled Churches. You have threatened every corporation and endowment in the country. You have examined into everybody's affairs. You have criticized every profession and vexed every trade. No one is certain of his property, and nobody knows what duties he may have to perform to-morrow. This is the policy of confiscation as compared with that of concurrent endowment. The Irish Roman Catholic gentlemen were perfectly satisfied when you were despoiling the Irish Church. They looked not unwillingly upon the plunder of the Irish landlords, and they thought that the time had arrived when the great drama would be fulfilled, and the spirit of confiscation would descend upon the celebrated walls of Trinity College, would level them to the ground, and endow the University of Stephen's Green. I ventured to remark at the time when the policy of the right hon. Gentleman was introduced that confiscation was contagious. I believe that the people of this country have had enough of the policy of confiscation. From what I can see, the House of Commons elected to carry out that policy are beginning to experience some of the inconveniences of satiety, and if I am not mistaken, they will give some intimation to the Government to-night that that is their opinion also. I conclude from what has passed that we shall not be asked to divide upon the Amendment of the hon. Member for King's Lynn (Mr. Bourke). Let me say on the part of the hon. Member that the object of his Motion has been much misunderstood, and misunderstood especially by the right hon. Gentleman the Prime Minister. The right hon. Gentleman is greatly mistaken if he supposes, in the first place, that his was a party Motion. It is nothing of the kind. It was a spontaneous Motion on the part of the hon. Member, and had been adopted by him in consultation with only a few academic sympathisers, who, I believe chiefly sit on the other side of the House, and has been brought forward simply because there seemed to him to be a strange apathy with regard to this question in this bewildered assembly, and because he thought that some discussion would make us understand the question more fully than we appeared at first to do. When the right hon Gentleman introduced this measure, after listening to his speech, I humbly requested three weeks in which to consider it—a a period of time which did not appear to me to be unreasonable. That request the right hon. Gentleman with great amiability refused. He told me that I was not to judge of the measure by his perhaps too lengthy address, because, when the Bill was placed in my hands, as it soon would be, I should find it of the simplest possible character. I think by this time the right hon. Gentleman has discovered that my request was not unreasonable, and that the House of Commons has discovered that three weeks was not too long a period in which to study a composition so peculiar and so complicated in its character. Although I was far from willing to make this question the basis of anything like a struggle of party, although, on the contrary, I have endeavoured to prevent such a struggle, I have been hindered in that endeavour by the right hon. Gentleman himself. It is the right hon. Gentleman himself who has introduced so much passion, and so much, I may almost say, personal struggle into this question. It was the right hon. Gentleman who, as the First Minister of the Crown, in introducing a question of a nature somewhat abstruse, and which to the majority of the hon. Members of this House must have been not easy at first to comprehend, commenced his harangue by saying—"I am introducing a measure upon which I intend to stake the existence of my Government." That was, in my opinion, an unwise and rather an arrogant declaration on the part of the right hon. Gentleman. I have certainly known instances where Ministers introducing into this House large measures which had been prepared with great care, and feeling for them as much solicitude as the right hon. Gentleman does for this Bill —I have certainly known instances where after protracted debates, and when opinions appeared to be perhaps equally balanced in this House, Ministers have felt themselves authorized, under such circumstances, to say that they were prepared to stake the existence of their Governments upon the question at issue. But, on the other hand, I do not recall an instance of any Minister who, on an occasion similar to the present, prefaced a laborious exposition, which by its very length and nature showed that it dealt with a subject which only the transcendent powers of the right hon. Gentleman could make clear and lucid to the House by saying—"But I tell you in the first place that I stake the existence of the Government upon it." I trust the right hon. Gentleman has profited by the remarks which have been made in the course of this debate, and that he now feels that upon the occasion of introducing this measure his vein was somewhat intemperate. No one wishes to disturb the right hon. Gentleman in his place. If the right hon. Gentleman intends to carry out a great policy—that of confiscation—I wish at least that he shall not be able to say that he has not had a fair trial for that policy. I wish the House and the country fully to comprehend all the bearings of that policy of the right hon. Gentleman. But, Sir, although I have not wished to make this a party question, although I certainly have no wish to disturb the right hon. Gentleman in his seat, although I have no communication with any section or with any party in this House, I may say, with any individual but my own immediate Colleagues, I must do my duty when I am asked—"Do you or do you not approve of this measure?" I must vote against a measure which I believe to be monstrous in its general conception, pernicious in many of its details, and utterly futile as a measure of practical legislation.

MR. GLADSTONE: Sir, I have listened, with interest of course, but with some curiosity and some surprise, to the speech of the right hon. Gentleman. How much of it there was that did not refer at all to the Bill before the House; and how much of it there was, in that portion of it which did touch the Bill, that seemed to hold in his mind a place disproportionate to its real moment, in comparison with the other provisions of the measure! For no less than half an hour the right hon. Gentleman dwelt upon the question of the Theological Faculty in Trinity College; though I may state that I have never heard of a Theological Faculty in any College whatever. Faculties, according to my understanding of the matter, are in Universities, not in Colleges. But that is a remark in passing. For half an hour he dwelt upon the Theological Faculty in Trinity College, and for half an hour upon concurrent endowment and confiscation. Why were two-thirds of the oration of the right hon. Gentleman devoted to questions which, solve them how he would, and handle them how he would, could contribute so little to the practical solution of this difficult question? I looked a little further. I sought for a key to the speech of the right hon. Gentleman. First, I notice his description of the effects of confiscation; and I congratulate the right hon. Gentleman upon this —that although he has still many hard words for the policy of confiscation, yet its features are gradually coming to be mitigated, for the last time that I heard him upon the subject I think was when he declared that the consequences of the application of that policy to Ireland would be far more formidable than the consequences of a foreign conquest. The change is encouraging. In a little more time the right hon. Gentleman will be enabled to view confiscation with considerable indulgence, if he makes the same progress in future years that he has made since his earlier declaration. But what is more important is the observation of the right hon. Gentleman upon concurrent endowment. Concurrent endowment, he says, is dead. Twice he said it was dead. But it may revive under the potent charms and the wand of a magician. Undoubtedly the emphatic monosyllables of the right hon. Gentleman were employed in order that hereafter, in case of need, we might be reminded of his having said that concurrent endowment was dead. This was necessary to give the proper colour to the general effect of his argument. But why did he summon in stately array the great names of Mr. Pitt, of Lord Russell, of Lord Grey, and of Sir Robert Peel? Why that elaborate eulogium upon concurrent endowment? Why that exhibition of the difficulty of constituting a University without a Faculty of detailed Theology? Why that argument to show that a learned teacher must necessarily trench upon Theology while dealing with other subjects? Why, except to lead the minds of his hearers to the conclusion that there was one satisfactory solution—one mode and one mode only of dealing with the question before us and of escaping from its difficulties—that namely, of erecting different Universities for different persuasions in Ireland, each of them equipped with its Faculty of Theology, and thus of proceeding upon the principle of concurrent endowment.

I shall have occasion to return to the policy of concurrent endowment; but, in the meantime, it will be remembered that even at this moment and in the year in which we live the right hon. Gentleman dwells with such fervour and with such fondness upon the recollection of the past history of this scheme, that I appeal to any man whether it is not still a living idea in his mind—whether he does not still seem to cherish in his breast the hope that it may be given to him to revive it and make it a practical reality.

Sir, I beg to decline the honour the right hon. Gentleman gives me of having been a disciple of concurrent endowment. He thinks me bound to the strict inheritance of the ideas of Sir Robert Peel, with regard to whom, however, I may observe, he has not proved that Sir Robert Peel ever declared himself favourable to that principle. He states that I suddenly changed my mind about concurrent endowment in 1868. He is entirely mistaken; and has not produced the slightest proof of the allegation. He says he thinks as a general rule it is a great waste of time to offer explanations. Yes, Sir, but the right hon. Gentleman makes an exception to that general proposition; and he evidently thinks, for he just put it into practice, that it is not at all a waste of time to make explanations provided you offer them about five years after the event, when the memory of gentlemen has become dim and indistinct with regard to the particulars, and when, consequently, a reasonable liberty is assured of affixing to the circumstances such colour as may, upon the whole, be most suitable to the occasion. But I have much to do in discharging the duty incumbent upon me, and I should not have made this reference to the general scope of the speech of the right hon. Gentleman but for the lessons it has conveyed to my mind, the warnings it has given to me, and the warnings which I believe it will carry forth to-morrow to the people of this country.

A word or two now about the Amendment of the hon. and learned Member (Mr. Bourke). I thank the hon. and learned Gentleman who proposed it, to whom I never listen without pleasure, for the kindly tone of the remarks with which he introduced his proposal. I am afraid I cannot say much for the Amendment, and it is quite unnecessary for me to say anything against it, for I presume it will be negatived with the consent of all, including even the hon. and learned Gentleman himself. Neither is it necessary for me to dwell at any length upon the speech of my noble Friend the Member for Calne, who seconded this Vote of Censure with a modest apology for his own youth and inexperience; but I would say that perhaps that apology was scarcely necessary. We are aware that in other and darker ages it was the custom of the older members of the human family to censure and even to chastise the younger. We live in more enlightened times, and it may be quite proper that that custom should now be reversed; if a new experiment is to be made, I know of no one who, apparently, will make the trial with greater satisfaction and confidence in his own mind than my noble Friend.

The right hon. Gentleman has charged upon me the responsibility of having introduced warmth into the discussion of this question, and he grounds his charge upon an expression I used at the commencement of the speech with which I introduced the Bill. I then said that the subject I was proceeding to deal with was one vital to the honour and existence of the Government. I am truly sorry, and truly penitent, if I really used that expression without necessity; but the right hon. Gentleman should bear in mind the circumstances under which we approached this question. In 1869 we gave all our energies, and asked Parliament to apply a great part of its valuable time to the question of the Irish Church; in 1870 we took exactly the same course for the first four months of the Session with regard to the Irish Land Question. But at that very period the hon. Member for Brighton felt the spirit within him calling on him so strongly to deal with the question of the Irish Universities that he presented to us a project, despite our promise to deal with the question, which it was impossible for us to accept, because in everything except what related to tests we looked upon it as a retrograde and anti-reforming measure. We were compelled, therefore, by the engagements which we had given, and by our own sense of dignity and of duty to resist it; but the resistance offered by us to that measure for three successive years assumed the character of an appeal to a Vote of Confidence from the House, and it was these circumstances which gave to the Bill the place it now holds, and which led me to believe that in speaking of it as a subject vital to the honour and existence of the Government I was giving utterance to little more than a commonplace within the common knowledge of everyone who heard it. If I was wrong it was a grave error. I do not believe it was wrong, and I do not believe it was by my words that the question was placed in the position it had taken long before. I trust I cannot be justly accused of introducing heat and difficulty into this debate. At least I am conscious that this is a question which it is totally impossible for us or for anyone to solve, if propositions intended simply as academic proposals are to be viewed in the glare and heat of political and religious jealousies; if matters to which we attach a slight importance are to be studiously magnified and represented as the vital essence of the Bill; if the atmosphere in which we here live and move is upon this occasion to be one of fever and of passion, such as it has appeared to be from three or four of the speeches we have heard; but, I must in fairness say, not from speeches we have heard from the opposite side of the House. The effect of such methods of proceeding must simply be to render progress impossible. Remember what University legislation is. Remember that in the case of Oxford, when we first dealt with the subject for England, though there was no political heat or passion whatever, yet, from the complication of the details of the question, we had to give, I think, some four-and-twenty nights of the time of Parliament before we could dispose of the Bill. I now on the second reading of this Irish Bill, address a House crowded from floor to roof, and intensely animated with expectation, not indeed, as to the speech that I am about to make, but as to the Division which is to follow. But on the second reading of the Oxford Bill, which corresponded in many of its provisions, though it was different in many others from this measure, I well remember an observation of a right hon. Baronet opposite, that both he and I were addressing empty benches. I do not believe that there were 40 Members in this House at the time when we came to the close of the debate, so entirely was it liberated from anything like political prejudice. It afforded an indication of the intrinsic difficulties of the subject; and these difficulties if inflamed by passion, will readily mount up to impossibility. In introducing this Bill I made an appeal to the House for a repetition of that indulgence, of that candid and fair interpretation with which we were met, as I rejoice to acknowledge, in every detail of the questions of the Irish Church and of the Irish Land. It was by that candid interpretation, it was by that mutual confidence among political friends, but it was also by a great degree of candid interpretation throughout the House, and a temper which never deviated into heat or violence, that we were enabled to deal with those important measures and to carry them successfully through the House. I am afraid it is impossible to hope that such can be the case in the present instance. But this I will say, we have done what we could, we have endeavoured to arouse no passions, we have endeavoured to impute no motive, we have sought to avoid everything inflammatory, to give a fair construction to the motives and to the proceedings of every man; and so we will persevere to the end, although we have known from the first, and although we know now, that if there be in this House but a few Members who are unhappily determined to mix this question at every point with the elements of political and theological passion, success will be impossible, and failure, with all the public mischief it entails, is the only result which awaits either us or any other Government that may attempt a solution of the question. I have spoken thus far vaguely of the Members to whom I refer. But I think it better to be perfectly outspoken on this occasion. I refer to several, but most of all, perhaps, to my right hon. Friend the Member for Liskeard. Sir, I never heard a speech in this House that appeared to me more unhappily directed to frustrate every useful and beneficial purpose of legislation, to disappoint every desire that a wise and beneficent Parliament has entertained in regard to education in Ireland. [Mr. HORSMAN: No, no!] I do not expect my right hon. Friend to agree with me. How did my right hon. Friend proceed? He began with a chivalrous precipitancy by announcing in *The Times* that the Bill was shortly to take its place as an ornament to the Statute Book. He then became uneasy as to the intentions of the Roman Catholic Prelates. Next it appeared that the patience of his mind and the balance of his judgment had been subverted by terrific apprehensions. The first sign of that was in questions put to me in this House with a feverish anxiety—"Are the Roman Catholic Prelates prepared to accept your Bill as a settlement?" His apprehensions had by this time passed into a phase of violence; for now this measure, which was to have been an ornament of the Statute Book but a few days before, was transmuted into a monster such as was unfit to be presented even for a moment to the view of Parliament. That which before the episcopal condemnation was fair and gracious in the eyes of the right hon. Gentleman was now not to be allowed even to come within the sphere of discussion; and we were censured for not having buried it without another word in absolute and eternal silence. That I thought was pretty well; but my right hon. Friend went on to surpass himself. He censured us for not having communicated with the Roman Catholic Prelates. Having done this, he went on to censure us for having communicated with them; for he said, I think, the most important clauses of the Bill were not the work of a Protestant draftsman. I put my own construction on that expression, and I think its meaning was tolerably obvious to the House. Having thus censured us for two contradictory reasons—one of which, the negative, was true, while for the other there is not a shadow of foundation—he passed on to a declamatory invective against the Bill as a measure calculated to forward the purposes of the Roman Catholic Prelacy of Ireland. That was the description which my right hon. Friend bestowed on the Bill, which is going to be opposed almost *en masse*—happily not quite *en masse*, but almost *en masse*—by the Roman Catholic Members from Ireland, for the very reason that they think it hostile to those purposes. My right hon. Friend will march to-night into the same Lobby, shoulder to shoulder with the men whom he contradicts. But, though I am not satisfied with the reasons either of the one or of the others, yet as between him and them I must say they have far more just ground of opposition than my right hon. Friend, because the objects of the Roman Catholic Prelacy, so far as they are not in our view justifiable, are not promoted by this Bill; so that, at least, they are not tilting at a phantom, but at a reality. The right hon. Gentleman would have done us a favour if, when he made this charge and caused these alarms among the prejudiced portion of his audience—and there is, of course, in every assembly some prejudiced portion, however finished may be the average of its mental accomplishment—he would have consented to come down from his lofty flight to the region of fact, and if, after all this invective and declamation, he would have but spent, say, a poor five minutes in the work of argument. When he first wrote to *The Times* he said he had not got the Bill; but when he got it, what did he do? Did he read it? If he did, his speech bears no trace of the study; and the whole of this tempestuous condemnation is really grounded on the pure *ipse dixit* of my right hon. Friend. I think he will understand that in commenting thus severely upon the speech he has made, on account of what I think the public mischief such a speech is likely to entail, I have no imputation to make upon him except the misuse of his power, and my object is to enter a firm and final protest against the method he adopted in dealing with a subject which requires pains, care, patience, and dispassionate impartiality.

I must now briefly remind the House —because we have travelled so far in many respects from the original basis of discussion—of the nature of the allegation upon which the Government founded their case for the Bill. Our first and original allegation was that there is a grievance of conscience in

Ireland with respect to University education; and I am glad to say, whatever else may have happened, some ground has been gained in this respect. We have heard the avowal that such a grievance does exist from the hon. Member for Brighton, and this, if I recollect right, for the first time. I may say that generally an admission of that kind has been made, and therefore I now assume its undisputed existence, without entering into particulars. I regard that as a valuable starting-point from which to proceed to our proper conclusion.

Further, we have alleged that there is need of academic reform in Ireland. I showed that sufficiently by figures on the introduction of the Bill—figures to which I will briefly revert, on account of their simple and conclusive character; and I will also refer to the only attempt that has been made to meet the effect of those figures. I have here to do with my hon. Friend the Member for the University of Edinburgh, of whose speech generally I will say I have no fault to find with the spirit in which it was delivered. With its main tendency, and with most of its arguments, I entertain a warm sympathy, but from its statistics I entirely differ; and I am sorry to say they suggest to me that, after all, perhaps, the Roman Catholic authority, whoever he was, may not have been so very wrong who said arithmetic itself ought to have been placed in the list of disputable subjects. I showed, Sir, and this has not been questioned, that the Roman Catholic students in Arts in all Ireland—I mean University students in any sort of collegiate training—were, according to the latest Returns, 145, from a population of 4,500,000. In confining myself to students in Arts, I can assure my hon. Friend I do not mean to underrate the importance of professional studies; but I meant that which he means, and that which he has ably contended for—namely, that professional studies ought to be grounded on general culture; and on this I found my further proposition, that the training in Arts, inasmuch as all ought to pass through it, affords the proper measure of the number of true University students in a country at a given time. I showed that in all Ireland there were of these students in Arts, all persuasions included, only 784. I showed that, including 400 more of its members, with whom the University of Dublin deals now only as an Examining Board, the number comes but to 1,179; that in 1832, when the Queen's Colleges did not exist, the number had mounted up to 1,461; and that, notwithstanding the additions made by the Queen's Colleges, there was a balance of loss upon that total number of students in Arts of 282 as the aggregate result of the educational movement of the last 41 years. Now, it has been said that I ought to have noticed the decrease of the population. The cheapest degree in Arts in Dublin costs nearly £100, as I am informed. This is in hard cash, and does not include the serious expense of resorting to Dublin for a number of examinations at separate times. Now I desire to know how many emigrants would have taken such a degree? I find also that the great bulk of this decline preceded the decay of population. The entrances at Dublin in the years 1830-34 were 433 annually, and in 1835-39 they were only 353; and there was no decrease of population, but a great increase in that period, while the students of the University were rapidly declining in number. They continued to fluctuate until at the time of the opening of the Queen's Colleges they went down to 271 as their annual average.

But it is said also that there has been so much intercourse with England that large numbers of students came into England at this time. It is totally untrue. There was no increase at all in the University of Oxford during the time when the numbers in Dublin were thus grievously declining, and the increase at Cambridge—for there was a slight increase—was wholly insignificant; not to observe that it was really occasioned by an English demand. Of course, it is obvious to ask, if intercourse with England had had the effect of damaging the numbers at the Dublin University, why did it not damage the numbers at the Universities of Scotland, where the intercourse was even more easy, and where there was no such phenomenon at all? But here my hon. Friend the Member for the University of Edinburgh comes in with his answer. I affirm that he shakes none of my facts, but what does he say? He says that there are but 740 degrees in Arts in England. My hon. Friend is, however, quite wrong. In 1872 there were in Oxford 396, in Cambridge 467, in London 78 of an extremely high order, making 941, without any allowance for the University of Durham, the number of whose degrees I have not obtained. My hon. Friend then says there has been a general decrease in the number of students at our Universities of late years, and that Ireland was a very poor country. Instead of a general decrease there has been a steady increase in the number of degrees in Arts in England. Oxford and Cambridge gave 405 degrees in Arts in 1820, 599 in 1830, 668 in 1840, and 863 in 1872. But, says my hon. Friend, "Ireland is a poor country." If, however, she is a poor country now, she was poorer still in 1832, and yet in 1832 she had a great many more students than at present. But we have not yet done with the argument: and I would in the next place address a plea *ad misericordiam* to my hon. Friend. He pointed out to us a large increase in the number of the attendances at lectures in Dublin, and I am glad he did so, for it is the result of an academic reform, real as far as it goes. I am afraid that Dublin had previously been extremely lax in those matters of academic discipline. But my hon. Friend, in spite of the decrease in the number of degrees, tells us that there is an increase in the number of the attendances at lectures of Professors, and therefore in true academic learning; and he holds that everything else is desultory cram, except the attendance in the lecture-room of the Professor! I am now going to draw largely on the indulgence of my hon. Friend. And I will even venture to call attention to his language as an indication how disposed we are each of us to advance rather excessive pretensions on behalf of our own particular calling, and how even a broad and comprehensive mind becomes for a moment narrow when dealing with its claims. For myself, I humbly pray allowance may be made. I never had the honour, except once, when at Oxford, of attending a Professor's lecture at all. My education, such as it was, and it might perhaps have been better, was not had by desultory cram, or cram of any species, but by hard work. Morning and night I worked as hard as I have ever done in the House of Commons, and I beg my hon. Friend, if possible, to allow this ray of light to enter his mind, where there already are so many, and to admit the belief that it is possible to learn something of a subject even elsewhere than in the lecture-room.

And now, Sir, I come to a more general review of what in France is termed the situation. I think that the House, or that all who have given an eye to it, will agree with me that in the situation so understood there have been features of the highest dramatic interest. What a catastrophe, Sir—I do not underrate it or disguise it—has it not undergone? This Bill was introduced not yet four weeks ago, in, I hope, a conscientious, but certainly a prosaic speech. It was received with almost universal favour. It will be recollected from what various quarters there came declarations that it was a just measure; a measure, considering all things, moderate; and a measure sure or likely to receive the approval of Parliament. The most conclusive proof of the truth of the description I am giving—a proof that I am not too highly colouring my case—is to be found in the attitude of that valuable class of the community who are called waiters on Providence. A morning or two after the introduction of the Bill, there was not a waiter on Providence in the whole of this vast metropolis who was not its decided partizan. Those waiters on Providence are like the loose rolling cargo of a ship, certain in heavy weather always to give their weight against the vessel. The consequence is, that whereas those three weeks ago we had a whole army of them, numerous as the host of Xerxes, on our side, we have not a solitary individual of that species to sustain or cheer us now. What, then, is the cause of the change which has come over the general temper and course which it becomes the House of Commons to pursue? No one will say that the House was misled as to the Bill by the speech which introduced it. My right hon. Friend the Member for Liskeard, who I think endeavoured to be ingenuous throughout his statement, though he has referred to my speech and to the Bill, did not say or insinuate that my speech was other than an attempt to give a fair description of the Bill. That change of opinion, which I do not disguise, is one that well merits, and indeed calls for, some examination; and that examination is to be made on the question of to-night. The question of to-night is this—Shall we go into Committee on this Bill? And in our answer, Sir, to that question we shall be governed by one single motive, by the desire to endeavour now to do what some years hence we shall wish that we had done. Well, what are the arguments that have been urged against going into Committee on the Bill? I will endeavour to present them in a spirit of fairness. But before I leave altogether the branch of the subject on which I have been engaged, I wish to apologize on one point to my hon. Friend the Member for the University of Edinburgh. The figures which I quoted in reference to the students of the Scotch Universities were inaccurate; and I believe this was the only inaccuracy, among a multitude of details, into which I fell. I wish to say that the Scotch Universities in my opinion, if we are to deal rightly with this question, ought to be put out of our view altogether. They are Universities *sui generis*. They do not stand on the particular merits of their own constitution; they stand, I have had reason to know—because I have been for six years an official servant of the Scotch University which my hon. Friend adorns—they stand on the conscientious zeal and ability of their Professors as men, but also and principally upon the rooted desire of the people for learning, and their determination to learn by the best means that are within their power. We have nothing like that, unhappily, in England. In Ireland the desire exists, but the means for its gratification have not been afforded. The Scotch Universities work; and why? Not because of this or of that particular in their constitution or their regulations; they work, so to speak, of themselves, by the zeal and the energy and the desire of knowledge which happily exists among the people.

Now I come to the arguments used against our going on with this Bill in Committee. I will endeavour to make the shortest and most accurate recital of them, and I will only dwell on those which, as the House will see, require a careful examination. One argument is that we are going to lower the standard of learning. Now, Sir, I contend that when we enter into Committee we shall show that we are going not to lower but to raise the standard of learning. Either we are going to have the competition of two Universities, or we are going to have only one University. The competition of two Universities, by your own admission, keeps that standard where it is. If we are to have only one University, we do not refuse the challenge, and we ask can anything be more conclusive than the proofs which have been produced and have been sustained from every quarter, that the University of London, although it be an Examining Board, and nothing but an Examining Board, does raise and has raised the standard of learning. Perhaps I might go further and say that possibly it supplies the principal lever by which we may hope to see that standard raised in the older Universities of the country. This in my judgment is clear, that if the University of London has a fault, it is that its examinations may be too stringent and its standard of learning too high. I will now leave the charge that the Bill will lower the standard of education; with this observation, that it is a charge which seems to imply that in this country or in Dublin we have had a prodigiously high standard, whereas in truth all our standards do not give cause for exultation, but call for apology.

The second reason why we are told the Bill should be given up is on account of the opposition of Ireland. And this is plainly, in my opinion, the consideration that has principally acted upon the minds of Members of this House. Now, let us consider what this opposition of Ireland is. It has been most inaccurately stated in this House; indeed, I am not sure that in any one particular it has been correctly described. My right hon. Friend (Mr. Horsman) says the Roman Catholic Bishops have denounced the Bill. But the last clause of the document in which they have expressed their opinions is to this effect,—"That we address to the Imperial Parliament Petitions embodying these resolutions and praying for the amendment of the Bill." Now, it cannot be amended at all until we go into Committee; it is in Committee alone that we can ascertain what are the points on which we can meet the wishes of any class of critics or objectors and what are the points on which we cannot. Lord Granard, a correspondent of mine, has favoured me with a telegram of enormous length, I am afraid a very expensive telegram, which states that the

Council of the Roman Catholic Union has come to resolutions in conformity with those of the Bishops. Having stated thus much I have done my duty to the Council of the Roman Catholic Union. Then comes the Petition of the Senate of Dublin University. I am not quite sure, but I rather believe that this Petition constitutes what may be called the maiden speech of the Senate of Dublin University. The Senate, as a body, has been rather content with an existence upon paper than disposed to walk out into the rough, every-day, working world, but on this occasion it has summoned up all its energies and has petitioned to the effect that the House will not pass the present Bill. What, however, was the suggestion of the Governing Body of Dublin University, a body for which, notwithstanding the closeness of its constitution, I entertain, and have professed, a sincere respect? Was that the form of Petition sent down to the Senate by the governing body? No, the Petition, as I am informed, was that the House would not pass the Bill in its present form. It was also, therefore, a Petition for the amendment, not for the rejection of the measure. I now come to the Presbyterians, and I wish the hon. Member for Derry were in the House—I am glad now to be able to perceive him—for while acknowledging the ability of his maiden speech, I am obliged to comment on some portion of it. The hon. Gentleman descended into the arena of this House armed with the triple shield of a fresh untainted modesty. But he misunderstood or mistook the effect of a document on which he relied, perhaps from some momentary hallucination, or some timidity graceful in Parliamentary as in natural youth, which he will in time get over. I am quite certain the strange error into which he fell could not have been owing to design. He has not yet had time to learn the ways of the wicked world. The hon. Gentleman did certainly experience the most remarkable fortune. He had in his hand not a declaration, as I believe he described it, of the Presbyterian body—for there is no such declaration—but a document—and one no doubt of importance—which issued from the Committee of a General Assembly of the Presbyterian Body appointed for the purpose of considering questions connected with education. They had no power to speak for the body to which they belonged, more than a Committee of this House can speak for this House; but still their opinion is of weight. And the hon Gentleman read out four resolutions which objected to various propositions in this Bill. He had before him not four resolutions, but eight, and he said he would not read the eight. He thought they were too long, and he had a delicate respect and consideration for the time of the House, which cannot be too much commended. But how extraordinary it was, Sir, that, instead of beginning by reading the first four of them, and then as he found the operation become a long one leaving off, the hon. Gentleman skipped lightly over the whole of these, and then read out at full length the other four. Sir, the first four are of a character totally at variance with—that is to say, of a totally different effect from the last four. I do not think I need read them all, but I will read the first. [*Cries of* "All," and "Read, read, read!"] Very well, Sir, I will "read, read, read," if only the hon. Member will "hear, hear, hear." [*Laughter.*] Here is the first resolution—

> "We are of opinion that through the University of Dublin any person in Ireland, wherever educated, should be enabled to obtain a degree who can pass the necessary examination."

Well, Sir, there is a proposition most distinctly in favour of the fundamental principle of the Bill, which allows access to the University and its degrees otherwise than through Trinity College. [*Laughter.*] I repeat—of the fundamental principle of the Bill—namely, that instead of obstructing, as we now do, and taxing and impeding the access to degrees of those who pursue a mode of education that Parliament does not altogether approve, we ought, on the contrary, to make the way as easy for them as we can, knowing that they will derive the greatest benefit from a University degree; and that is the object we have in view in this Bill. There is another Resolution which the right hon. Gentleman did not read—probably, not because it was one of disapproval. It is as follows:—

> "The Committee disapprove the proposal in the Bill to leave Trinity College with a large proportion of its revenues, and are of opinion that provision should be made therefrom for the more liberal support and encouragement of non-

sectarian education in connection with the Queen's Colleges."

I proceed with the other resolutions. "They approve highly"—and this part I would particularly recommend to the attention of the right hon. Gentleman the Member for Buckinghamshire—"of the proposal of the Bill to separate the Theological Faculty from the University of Dublin;" and, finally, they believe that "Trinity College should be opened, so far as that its secular advantages may be made available for all Her Majesty's subjects, without reference to creed or sect." I have now, Sir, supplied what was so grievously lacking in the speech of the hon. Member for Derry. Well, Sir, the hon. Gentleman is acquainted with the town of Derry; and the Presbyterians of Derry send me here a statement, the first clause of which expresses their general approval of the objects of the Bill. I only quote these things to show the spirit of exaggeration and inaccuracy—and I have never seen or known so much inaccurate statement in any previous debate—which has entered into this case, and has injuriously modified and perverted the leading effect of the evidence which has been brought before us with regard to the reception of the present Bill, which, as I have thus far shown, is rather one of qualified criticism than of unqualified resistance.

But, further, it may be said, there is the opposition of the Irish representatives. And, Sir, I fully admit that this, when authentically shown, is a very grave matter. But, at present, we know nothing except from the sanguine self-congratulations of the right hon. Gentleman opposite upon the delightful combination which he anticipates in the Lobby by-and-by, and from the unfavourable speeches—and some of them, I admit, have been very unfavourable, which we have heard from a number of them. In my opinion, the position of the Irish representatives, if their opposition were well ascertained to be incapable of being, in any degree, softened in Committee, would become a grave fact to be seriously weighed by this House. I by no means say at this moment to what conclusion it should lead. But I will venture to say that it would be in the highest degree premature, un-Parliamentary, and impolitic, with reference to a measure of this kind, on a subject where the Irish representatives themselves, in a large majority, desire legislation, one to which successive Governments have had to address themselves for seven or eight years, and with regard to which we are all in one sense or another so deeply involved—it would, I say, even be absurd for us to treat that as a reason for rejecting the Bill at this stage. We ought rather to see in Committee what we can do towards the conciliation of apparently conflicting views when we come to the manipulation of the details. But who are all these who have, up to this moment, spoken? The Irish Roman Catholic Prelates, the Senate of the Dublin University, the Presbyterians of Derry, the Committee of Presbyterians appointed to consider education. I am scarcely bold enough to name the Petition from Magee College. For the right hon. Gentleman the Member for the University of Dublin, who is extremely warm on the duty of speaking with respect for Ireland and Irish feelings, calls it the "miserable Magee College"—a College which has never put its hand into the public purse, which requires six years' training for its pupils, though it unfortunately has very few of them, and which, nevertheless, according to the uncontradicted statement of one of its Professors, has educated and sent out into the world one-third of the whole number of Presbyterian ministers ordained in Ireland since the period when it was opened. But, Sir, what I affirm is, that these bodies, taken all together, even were their opinions more hostile than I have shown them really to be, are not the people of Ireland, do not bind the people of Ireland, and do not warrant our summary rejection of a measure which aims at conferring a great boon on the people of Ireland.

So far, the greatest objection taken to the second reading of the Bill has been the objection taken on what my right hon. Friend the Secretary for War has described as matters of detail, or matters which are open to consideration. The right hon. Gentleman (Mr. Disraeli) has paid particular attention to the speech of my right hon. Friend (Mr. Cardwell), and to some words which I spoke before the adjournment of the House, which I thought to be a confirmation, but which the right hon. Gentleman assumed to be in contradiction, of that speech. The general effect of the speech of my right hon. Friend—with which speech I entirely agree—was to show that it was a wise course in a question of this character, where it is difficult to retrieve ground once lost, to go into Committee, to compare our several notions and demands at close quarters, and to see what we can effect towards bringing them into harmony. But the right hon. Gentleman meets us with a most formidable objection, founded, as he says, on his long Parliamentary experience. He alleges that for the opponents of a Bill, it never answers to go into Committee. It is the voice of the charmer and the tempter that bids you go into Committee. Do not be beguiled. When you get into Committee, there is nothing to be gained. The Bill of a Government always comes out, he says—in its substantial features the same as it was when it went into Committee. And this opinion is founded on the deliberate recollection, at the end of our four nights' debate, of his long Parliamentary experience. I will not take the whole advantage which the right hon. Gentleman offers me. I will not go back over the whole of the right hon. Gentleman's Parliamentary experience. I will only revert to the year or two which immediately preceded the existence of the present Government, and I will from the records of that limited time supply him with an instance which at once shatters to pieces the fabric of his argument. There is no such thing, it seems, as attempting with success to alter a Bill of the Government in Committee. Well, Sir, there was a Bill—indeed, there were two or three Bills on the subject of the Parliamentary representation—in 1867; but the last of these Bills, instead of being still-born like its elder sisters, grew into vigorous life, and was read a second time. And what was the burden of the song or speech of the right hon. Gentleman on the second reading? From first to last, in almost every sentence of the speech, it was—"Go into Committee." Objection after objection had been taken, going deep down into the foundation and framework of the Bill, and every one of those objections was met by the counter-check of that reply—"Go into Committee." And the right hon. Gentleman was nearer the mark then than he is now. I am afraid that the accumulation of his experience is such that he is beginning to have too much of it, and that he has actually unlearned the lessons which some years ago he acquired. I will not go over all the points of that Bill; but I think the experience of that year satisfactorily proves that where the sense of the House is strong and an earnest intention is entertained, going into Committee may answer pretty well for transforming the framework, aye, the whole spirit and substance of a Bill.

Passing from that general argument, I am asked to say what was the meaning of the speech of my right hon. Friend. Some appear to contend that all the points which my right hon. Friend referred to as being matters of opinion open to be discussed and to be determined in Committee, are matters on which the Government should have announced at once that they had changed their intentions. How is it possible that on matters which involve such a multiplicity of details and of various considerations we could have stated at once that we had changed our intentions, and could have bound ourselves anew and rigidly in each case to the adoption of a particular course? Take the one instance of the proposal to appoint the Lord Lieutenant of Ireland Chancellor of the University. In my opinion that provision is but of slight consequence; because the Chancellor of the University of Dublin would still be as he has been what I may term an ornamental officer, and not one wielding great academic powers like the Chancellors of Oxford and of Cambridge. But how is it possible for anybody to form a judgment upon the point until the House has had an opportunity of comparing all the alternatives which may fairly be suggested? What we say is—"Come with us where we may have an opportunity of comparing calmly all these alternative methods." Instead of standing upon our dignity and saying that this, and that, and every matter is vital to our existence as a Government, we say—"We will meet you upon equal terms; we will lay before you the reasons that have guided us upon the question. We are not only perfectly ready to listen to counter-arguments, and not only to accept changes which may be palpable improvements, but, where we can, to consult the general wishes of the House and to give fair weight to reasons, of which we may not see the force, provided they do not affect vitally the principles or the efficiency of the Bill." And instances similar to the one I have referred to are very numerous. I will only now mention two, which I do not think were mentioned by my right hon. Friend. In the first place, the influence of the Crown, or, as the hon. Member for Brighton terms it, political influence on the constitution of the University, has been objected to. The hon. Member for Brighton says there will be too much of this influence exercised under the provisions of the Bill. But others say, on the contrary, that there will be too little of such influence. My hon. Friend the Member for Edinburgh University complains that while in the Queen's Colleges a Professor can only be dismissed in certain cases by the Crown, our Bill gives this power to the Council. Now, we are desirous of bringing these two opposing objections face to face in Committee. As far as my own leaning and that of my Colleagues is concerned we are in favour of keeping down to a minimum the amount of that political influence. We regret that we cannot at once constitute an independent academic body, free from political influence; but the necessities of the case do not permit us to propose it. We hope that in time the national University will be able to acquire something more of a national character than it now possesses; but to give to the present Members of the University of Dublin the charge of moulding it into a national University would in my view be a mockery.

Then another question of great importance has been raised with regard to what has been called the non-collegiate element in the Bill. It is said that the Bill proposes to permit the University to examine all persons coming from whence they may, and wherever and in whatever manner they may have been trained. To this part of the proposal some persons vehemently object; but they appear altogether to forget that the University of Dublin does this very thing at this moment. The only check put upon the practice is a most objectionable one—namely, the very heavy cost to which non-resident students are put in passing the examination for their degrees. The University of London examines in this way, and it is impossible for us to determine in a peremptory manner what would be the exact course the House ought to take in this matter, although our own opinion on the general merits may be clear. Again, as to the retention of the separate existence of the Queen's University, I really had hoped that, in consequence of the ground on which I originally put it, that was a question which would have been discussed without the slightest reference to the bitter controversy that rages on the subject of mixed education. I said, and I am prepared to argue it without attaching to the argument unnecessary value, I am desirous that we should have an opportunity of laying before the House in Committee the reasons which led us to believe that it would be a great advantage to the Queen's University to be incorporated in a new, powerful, and extended University. We do not assume that we are demonstratively right. We have never stated this provision to be essential to the Bill, as everyone will recollect. But we thought the House should be in full possession of the arguments for the proposition as well as the arguments against it before coming to a decision. We are willing to go as far as we can in meeting the views of Members with respect to the plan of the Government. We are gaining experience, of course, as we proceed, and a more extended acquaintance with the views of the House and with the circumstances of the case gradually ripening around us. With regard to such provisions as those relating to Chairs in the several subjects of Modern History, Ethics, and Metaphysics, and to the power of preventing an abuse of liberty on the part of Professors and teachers, they have been introduced by us with a general intention that I am quite sure the House will appreciate. It is with regret that we find ourselves obliged to exclude Theology from the University. We further regret that we propose—not to exclude from the University, not to exclude from examination, not to exclude from honours, but—to exclude from the direct and authoritative teaching of the University the subjects of Modern History, and of Ethics and Metaphysics. But the intention of those proposals was simply this: — we knew that we had to deal in Ireland with a sore, and in some degree a morbid state of minds and feelings. We were desirous to make ample provision for protecting the conscience of the minority; and even to sacrifice something of the integrity of the University scheme for the purpose of obviating the rise of jealousies, which, once awakened, we feared might be fatal to the well-working of the plan. That, surely, was an innocent, perhaps even a laudable purpose for us to entertain. Who, it may be asked, are the minority? The minority, I admit, at this moment are Roman Catholics; but how is it possible for anyone to say that they will always be the minority among the University students of Ireland? I know not what the effect of a National University will be. I know this—there are Roman Catholics who are extremely confident in the energetic teaching of their Church, be they right or wrong, and who think they would become the majority of the students of this National University. And if they did become the majority of the students, they would have a perfect right so to become. But the conscience of the minority would still claim respect, and be entitled to defence.

However, Sir, I must admit that these clauses have not been valued by the Roman Catholics themselves. Protests have come, first from one and then from another quarter, against drawing a distinction between these particular Chairs and other Chairs. These objections coincide with others taken by those who are extremely anxious for more complete academic instruction, and by those who have considered that in such an arrangement as we have proposed with respect to these Chairs there is involved an undue tenderness to the consciences of the minority. If the minority themselves agree, as they appear to agree, in this view, I have no difficulty in saying that I shall not think it necessary to adhere to that proposition. Another proposition of some importance has called forth a similar cross-fire of objections—I mean that relating to collegiate members of the Council. I will not trouble the House by referring to the explanation which I gave on the introduction of the Bill, and which was fortunately a pretty full one, of the design with which the plan of collegiate members was proposed by us. If any Gentlemen wish to be informed on the subject, and will refer to the 45th page of a speech which is in the hands of many of them, they will find those motives set forth there. But here, again, what has happened? A large number of persons object very much to the attempt to introduce these collegiate members; and the Government always saw that it would be absolutely necessary that their number should in any case be small, and that the other members of the Council must form its bulk and strength. But more than this has happened. One of the Colleges which it was the main purpose of the Bill to attach to the University of Dublin was the Roman Catholic College called the Catholic University. Now, we are informed that the Roman Catholic Bishops, independently of their influence and station, are the legal owners of the College, and as such they object and distinctly refuse to have it included in the Schedule of the Bill. They make the same declaration with regard to other Roman Catholic Colleges; and that being so, it becomes utterly impossible for us to insist upon the proposal that collegiate members shall be attached to the Council. Nothing is more alien from our desire than to have any representation of collegiate members which should give to the Council a one-sided character. It is, therefore, not our intention to persevere with our proposal to introduce collegiate members into the Council. In withdrawing them we are really doing that which we very often find it possible to do when once we get to details — I mean we are meeting at once the objections of those who view the same subject from different points, and who for different reasons concur in the same conclusion. That is, perhaps, as much as it is necessary for me to say upon this class of subjects. I say of them generally, as was said by my right hon. Friend the Secretary of State for War—we wish to have the opportunity, with the exceptions I have stated, of laying our views calmly and impartially before the House. With that opportunity we shall be content. We shall gladly welcome Amendments which are improvements in the Bill; and Amendments which we think are not improvements in the Bill, when we find the prevailing sense of the House to be in their favour, we will accept, provided they leave untouched what we conceive to be the vitality and essence of the Bill.

Now, what is the vitality of the measure, what is the essence of the Bill? This question has been put to us from many quarters, and I will endeavour to answer the question; filling up, perhaps, with a more copious supply of particulars a slighter sketch which my right hon. Friend has already submitted to the House. First of all, it is essential to the Bill that there should be a complete removal of admitted religious grievances. I say admitted religious grievances, because we cannot profess to remove the religious grievance as it has been stated by those who contend that nothing short of concurrent endowment will remove it. I will show presently that something short of concurrent endowment would amount to a removal of the religious grievance such as we view it. We conceive that the religious grievance will be removed by opening the way to University degrees and University honours and emolument within the University of Dublin, under an impartial and non-sectarian authority calculated to command the confidence of the whole of the nation, and without the slightest reference to the question whether the education of the person claiming the degree, and about to be tried as to the sufficiency of his knowledge, has been heretofore conducted under the influence of what is called a mixed or what is called a separate education. That is what we understand generally by the removal of the religious grievance. Then, with regard to the academic reform in the University of Dublin, what we conceive to be essential is that the University and its degree-giving power, instead of being, in a manner entirely without example, the property, I must call it the monopoly of a single College, which has enabled that College to turn to its own exclusive benefit functions and prerogatives that belong to the State, shall be emancipated from its condition of subjection, and shall be placed for a time under an authority which may be thoroughly impartial, in order that during that time the composition of the University may gradually become such as to correspond with and comprise all that is best, and richest, and strongest in the character and composition of the Irish people, so that after a reasonable time has been allowed to elapse, the University may pass into a state of substantial academic independence. For that purpose the severance of the exclusive connection with Trinity College is necessary. It is necessary to open many portals, as was said by my right hon. Friend, instead of one. Colleges may be very well attached to the University without College representation, as they are now attached to the University of London. The effect of incorporation is that they are placed in relations of general respect and credit with the University, and likewise that those who manage the Colleges have facilities for communication respecting practical arrangements which, in the case of the University of London, have been attended with great and conspicuous benefit. On what terms the non-collegiate members may be admitted individually to the University is also a matter deserving attention. Then, there is the question of the constitution of the new Governing Body, and also that of a competent endowment for the University which at present has not a shilling wherewith to bless itself, and which under the Bill of the hon. Member for Brighton remained absolutely without any property whatever to enable it to fulfil its purposes as a University. It should unquestionably be rendered able to discharge its proper functions as to granting degrees, as to the examinations necessary for degrees, and as to emoluments, rewards, and encouragements for those students who distinguish themselves. Finally, as was stated by my right hon. Friend the Secretary of State for War, we should greatly wish that the University should be completed by the possession of a proper teaching power. The Government has a hope that no jealousy may arise, either on the side of Trinity College or on the Roman Catholic side to prevent this consummation, because we greatly desire as was stated by my right hon. Friend, to establish a teaching organ, which might, without any mercenary competition, enlarge the means of attaining the higher University education in Ireland. From this sketch, allowing for some shades of difference on one or two points, the House will readily perceive what are in our view the essential parts of the Bill, as we understand them, with reference to the University of Dublin.

With regard to the Queen's University and Colleges, what we conceive to be essential is that the House shall pay full respect to the system of education as established in them. Nothing will with our assent be done to impair or alter its principles; and I cannot refrain from adding that the more I examine the history of the Colleges, the more deeply do I lament that by a deviation from their original policy the Roman Catholic Prelates have deemed it fit to make them the subject of something like anathema, and thereby have much restricted the benefits they were capable of conferring on the country.

Lastly, Sir, as regards Trinity College, the severance of the Theological Faculty must, in our opinion, be effected together with the severance, or rather the liberation of the University; and there must be, as I think will be admitted on all hands, considering that Trinity College has profited enormously for her collegiate purposes by the charges which she was enabled to exact by means of powers belonging to the University—there must be a fair and reasonable contribution from Trinity College for the benefit of her emancipated partner. Such are our views of what the College must yield. But we think it essential that there should likewise be left an honourable position, an adequate and liberal endowment, to Trinity College. What may happen in the distant computations into which this question may be carried, I know not, but I certainly should regard it as a great calamity that anything should be done by the House, either at this time, or any other time, to impair—I will not say the means which have been hitherto possessed by Trinity College in somewhat of a rank redundance, but the means necessary for carrying forward the great purposes of education to which she is devoted. I think I have now given a very fair description of the essence of the Bill.

It will be tolerably understood from this description what are the portions of the Bill which we have filled in with a view to give it greater comprehensiveness and fulness; and it will also be understood that the liberty which we have claimed in Committee on the Bill we shall try to exercise in a reasonable spirit.

Now, with regard to endowment for a Roman Catholic College or University, there has been some variety of expression of opinion in this House from very different quarters, as I freely grant. My right hon. Friend the President of the Board of Trade stated to the House that he regrets the state of opinion and feeling which makes it, in his judgment, totally impossible to ask Parliament for anything in the nature of endowment for a Roman Catholic College or University. The senior Member for the University of Dublin has gone somewhat further than my right hon. Friend, for he states, without hesitation, if I heard him aright, that he is favourable to a plan of concurrent endowment. My hon. Friend the Member for Waterford, in like manner, in his speech yesterday, did not disguise that which has long been the well-known bent of his mind on this subject; and my noble Friend the Secretary for Ireland, while he altogether objected to endowing a Roman Catholic University or College on the ground that it would introduce inequality, stated that in which most persons, probably, would agree that he had no objection in the abstract to such endowment. My own view differs even from that of my right hon. Friend the President of the Board of Trade. I do not admit that the claim of the Roman Catholics has been made good to the endowment of a College or University. I do not found that statement exclusively on the state of Protestant opinion. If that were all, I should be ready, for one, to oppose myself to the tide of that opinion, however strong it might be; but I think there are the best reasons, strong and obvious, which render it impossible to entertain with consistency or justice the question of Roman Catholic endowment. In the first place, the claim that is made is in direct opposition to the policy of 1869. If there is to be a Roman Catholic endowment, or the endowment of any other establishment, be it Magee College, or be it any other under ecclesiastical control—for Magee College is under the ecclesiastical control of the General Assembly, just as the Roman Catholic University is under the control of the Roman Catholic Prelates — then, I say, we were entirely wrong in 1869; and it is plain that the surplus of £5,000,000, which remained after satisfying vested interests, and after making some concession to the House of Lords, in order not to lose our Bill, and after winding up the affairs of Maynooth and the *Regium Donum*, ought to have been divided among all the religious communions of Ireland if the claim for endowment is a good one. But it is said we are about to pass a Bill which places the Roman

Catholics on a footing of inequality. On the contrary, it is the claim advanced by the Roman Catholic Prelates that involves the principle of inequality. We have not endowed, nor are we now endowing, any other persuasion in Ireland. The Queen's Colleges have an endowment, but they are not given to one persuasion more than to another. It is said that Belfast is made to serve the purposes of the Presbyterians; but it offers no facilities to the Presbyterians beyond what it and Galway and Cork, all of them offer to the Roman Catholics. Trinity College has an endowment; but it keeps that endowment only on condition of opening its doors and honours and emoluments to the different religious communities of Ireland without distinction, and with this condition, as we know perfectly well, the Roman Catholic authorities are not prepared to comply. But there is another reason which applies to all religious communions in Ireland; and I am bound to say it applies to the Roman Catholic Communion at the present moment with peculiar force. The claim of the Episcopate with regard to collegiate and academic institutions, as I understand it, is this: they demand that they shall be supreme in all matters of faith and morals, and they further demand that it shall rest with them exclusively to determine what matters are matters of faith and morals. I am one of those who think that if the laity of the Roman Catholic Church choose to submit to those demands it is neither good policy nor justice on our parts to punish them and to say, as we do say now, "So long as you thus submit, you shall not have free access to University degrees and emoluments." It is the worst policy in the world; it is withholding from them the means by which, as I believe, more liberal sentiments would spread among them. But it is a serious matter to propose that where these relations exist between the Episcopacy and the laity public endowment shall be given. The sentiments of the laity may change; they may begin to withhold this free submission; they may begin to do that which many think they have done at other periods of history, and may decline to acknowledge that sort of absolute domination which now appears to be established as the ruling system within the limits of the Roman Church. But if you give an endowment to a College which is founded on the principle of episcopal absolutism, it becomes a means of fixing and perpetuating the relation of power on the side of the Bishop, and the relation of absolute submission and servitude on the side of the laity. Therefore, Sir, these appear to me to be reasons, quite irrespective of any abstract argument, of the most conclusive force against the demand that is made. If it is not, and I think it is not, our business to protect the Roman Catholic laity against a power which they acknowledge, neither is it our duty to do anything which would keep them in subjection to a power which they may desire to repudiate or restrain.

The hon. and learned Member for Oxford, in the course of his eloquent speech, said he entertained hope in the future. I have the fortune, or misfortune, to count almost 10 years for one of the political years of my hon. and learned Friend; I have little time before me, I have much behind; I have an account to render of the past and present; and though I have not, like him, the prospect of a future which I trust will be to him rich in all manner of prosperity and distinction, yet the duties of the moment are solemn duties. I desire to bequeath no embarrassments to the future. I wish to leave on record the strong conviction that I entertain, that it would be a grave and serious error on the part of this House, were they to give the slightest encouragement to the demand that is made for introducing into Ireland the system of separate endowment for separate religious institutions for academic purposes, and thereby distinctly to denounce and repudiate the policy of 1869, to which the great majority of this House were parties, and which I believe none of us regret.

I have, Sir, endeavoured to go over the principal arguments of the opponents to the Bill. Let us now consider for a moment the actual position in which we are placed. This is a very grave matter in its bearing upon the present position of affairs, and probably upon the future destinies of these United Kingdoms. There is, I may now say confessed from every part of the House, though there may be individual exceptions, a real Irish grievance, suffered by a large part, chiefly the Roman Catholic part, of the people of Ireland, in the matter of University education. We are desirous to remove that grievance; but when we attempt to remove it those who claim to represent the sufferers make other demands upon us which we deem unreasonable. The Bill gives a remedy as far as, in our view, reason and justice will go. That is not denied; but we are threatened that if we pass a Bill reaching to that extent, and reaching no further, we shall be punished with a loud and angry agitation in Ireland. I ask myself and I ask the House what is the best way to arm ourselves against agitation. The true, the honourable way, is to take out of the hand of the agitator the weapon which he wields, and out of his mouth the grievance which he pleads. If then, as we think, extravagant claims are going to be urged, and if an endeavour is to be made to use these claims against the moral and social tranquility of Ireland, it is the more necessary that we should not allow them to retain any mixture, any element, of truth and justice, and that we should carefully extract any such element from the mass. Then we shall know both what it is we have given and what it is we have refused. In our opinion, the true way to meet agitation is to cure the grievance. Whatever else you do, first cure the grievance. But what is the advice given on the other side? It is at least to the natural indolence of us as Members of the Government not wholly disagreeable; for it is to release us from our pledges. At present we are deeply bound, but the advice given to the House is to concur with a considerable number of Roman Catholic Members in the rejection of this Bill—to fling back in our faces the remedy we have offered, and thereby release, as it will release, us from further obligations. It may be convenient for us so to be released; but is it convenient for the welfare of the Empire to give us that release, and to hand onwards a grievance which has now been admitted in every portion of the House to exist, as an evil legacy to future Governments, future Parliaments, or future years, as the case may be? Sir, I hope that this House of Commons, which, in obedience to the conscientious convictions of its large majority, and animated, as my right hon. Friend the Member for Liskeard truly said, by the love of justice, grappled with the great difficulties of the Irish Church and solved them—that this House of Commons, which likewise grappled with the difficulties attending the tenure of land in Ireland, and carried that question also to a successful conclusion, will not allow itself to be intimidated into an abandonment of its present task. After doing so much, do not grow pale before that which still remains undone. How do we stand with regard to the fulfilment of that task? What is the mode of action which is proposed on the other side? The right hon. Gentleman opposite told us that he was not anxious to lead what the citation made by my hon. Friend the Member for Waterford would describe as his "ragamuffins" into their present position. He does not wish, he says, to make this a party question. Might I be allowed to fill up the sentence for him by saying that possibly some while ago he saw no occasion to decide it; but now the Irish Members have invited him to their embraces, and he has found himself unable to resist the temptation offered by so great an opportunity. And what, let me ask, is the character of the Division which we are about to witness?—a Division which will be watched and examined—a Division which will not only be watched and examined, but which will be remembered and be judged. The party which is called sometimes the Tory party, sometimes the Conservative party, sometimes the Church party, sometimes the Protestant party, powerful as it is in this House, is not powerful enough to give effect to its wishes by a majority. But there is a hope that by the accession of those who think we commit a gross injustice by declining to give a separate religious endowment to the Roman Catholics, their minority may be converted into a majority for the purpose of this particular vote. The Bill we are discussing may be rejected, and is that, I would ask, a safe foundation on which to build the hope of future power? Is that a mode of action which is conformable to the views and principles of the great statesmen of this country? Do not let it for a moment be supposed that I am casting a stigma on the conduct of those who, on this occasion, urge the Roman Catholic demands. It will ever be one of the agreeable recollections of my public life to have been united with them in honourable co-operation for the purposes of a great principle and a great policy on which we were both agreed. But my relations with those hon. Gentlemen were never built on the sandy foundation of accidental unions in the momentary act of crying nay with reference to a measure as to the essential merits of which we were entirely at variance. Yet that is the nature of the alliance of to-night. The one party objects to our measure, because it detaches the University of Dublin, and declines to leave it to the control of Trinity College, but claims it for the whole of the Irish nation and vindicates the enjoyment of the advantages, which it is calculated to confer, for them and for their children in all time to come. That is the ground of the Conservative opposition. But the opposition of another party arises from the well known refusal of the Government to recognize the principle of separate denominational endowment. No doubt there will be concord in the lobby for a few moments between those two parties, but that concord will end when the tellers come to the Table. On what plan of action have you decided? No doubt you will be a formidable body; for all I know you will be a majority. I see before me the party expectant of office. ["Oh!"] I mean no reproach. I mean, of course, expectant by virtue of its position. That is a fair description always to apply to Gentlemen who sit in combination on the Opposition benches. I see that party re-inforced to-night by that repentant rebel from below the gangway, the hon. Member for Norfolk (Mr. G. Bentinck)—that old, inveterate rebel, believed to be incurable, but at last reclaimed. I always listen to that hon. Gentleman with interest. I am no favourite of his. I trust, however, there is no unkind feeling between us; and, indeed, whenever I hear the hon. Gentleman begin a course of censure upon myself, I listen with great patience, because I know it will be followed by some much more severe attack upon the right hon. Gentleman opposite (Mr. Disraeli). But on this occasion the hon. Member for Norfolk—probably to be the "right" hon. Member for Norfolk in a few weeks —has made a revelation. I heard him say last night—I quote the words that are ascribed to him, and I believe they are those which he used—I heard him say that—

> "He had listened with the greatest pleasure the other evening to the eloquent speech of the right hon. Member for Oxford University (Mr. G. Hardy), and he hoped he might draw from the speech of that right hon. Gentleman the conclusion that he and those prepared to act with him would not at any time, or under any circumstances, accept office during the continuance of the present Parliament. If he understood the right hon. Gentleman aright, he should say that that was the most fortunate and most statesmanlike announcement that had for a long time emanated from that bench, and he congratulated his right hon. Friend upon being the man who came forward boldly to make that announcement, which seemed to augur well for his future political career. If he (Mr. Bentinck) rightly construed that speech, he should not hesitate as to his vote, and should vote against the second reading of the Bill."

Well, Sir, was that announcement made? I heard the speech of the right hon. Gentleman the Member for the University of Oxford. I did not hear that announcement. Many of us heard the speech—none of us heard the announcement. I go a little further. The announcement was not made in the speech. If there has been such an announcement, it has come from some other source than from the speech. But has such an announcement been made? It is impossible. It is impossible that the Gentlemen who occupy the front bench of Opposition, who form Her Majesty's Opposition, who bring up their whole forces to overthrow the measure of the Government, can decline the responsibility of taking office. I believe it to be impossible that such an announcement can have been made, and if it has been made the hon. Gentleman is the victim of his own simplicity in believing that it can be acted on. So much, Sir, for the state of the case as regards the hon. Gentleman. But for the House, for us all, for the country, I ask what is to be the policy that is to follow the rejection of the Bill? What is to be the policy adopted in Ireland? Perhaps the Bill of my hon. Friend the Member for Brighton will find favour, which leaves the University of Dublin in the hands of Trinity College, and which I presume, if passed, will only be the harbinger of an agitation fiercer still than that which we are told would follow the passing of the present Bill. It will still leave the Roman Catholic in this condition, that he will not be able to obtain a degree in Ireland without going either to the Queen's Colleges, to which he objects, or placing himself under examinations and a system of discipline managed and conducted by a Protestant Board—a Board composed of eight gentlemen of whom six are clergymen of the disestablished Church of Ireland. The other alternative will be the adopting for Ireland a set of new principles, which Parliament has repudiated in Ireland and has disclaimed for Great Britain, not only treating the Roman Catholic majority in Ireland as being the Irish nation, but likewise adopting for that Irish nation the principles which we have ourselves overthrown even within the limits of our own generation. I know not with what satisfaction we can look forward to these prospects. It is dangerous to tamper with objects of this kind. We have presented to you our plan, for which we are responsible. We are not afraid, I am not afraid, of the charge of my right hon. Friend that we have served the priests. [Mr. Horsman: I did not say so.] I am glad to hear it. I am ready to serve the priests or any other man as far as justice dictates. I am not ready to go an inch further for them or for any other man; and if the labours of 1869 and 1870 are to be forgotten in Ireland —if where we have earnestly sought and toiled for peace we find only contention —if our tenders of relief are thrust aside with scorn—let us still remember that there is a voice which is not heard in the crackling of the fire or in the roaring of the whirlwind or the storm, but which will and must be heard when they have passed away,—the still small voice of justice. To mete out justice to Ireland, according to the best view that with human infirmity we could form, has been the work, I will almost say the sacred work, of this Parliament. Having put our hand to the plough, let us not turn back. Let not what we think the fault or perverseness of those whom we are attempting to assist have the slightest effect in turning us even by a hair's-breadth from the path on which we have entered. As we have begun, so let us persevere even to the end, and with firm and resolute hand let us efface from the law and the practice of the country the last—for I believe it is the last—of the religious and social grievances of Ireland.

Question put, and *agreed to.*

Main Question put.

The House *divided*:—Ayes 284; Noes 287: Majority 3.

Mr. Gladstone

AYES.

Acland, Sir T. D.
Adair, H. E.
Allen, W. S.
Amcotts, Col. W. C.
Amory, J. H.
Anderson, G.
Anstruther, Sir R.
Antrobus, Sir E.
Armitstead, G.
Ayrton, rt. hon. A. S.
Backhouse, E.
Bagwell, J.
Baines, E.
Baker, R. B. W.
Balfour, Sir G.
Barclay, A. C.
Barclay, J. W.
Barry, A. H. S.
Bass, A.
Bass, M. T.
Bassett, F.
Baxter, W. E.
Bazley, Sir T.
Beaumont, Major F.
Beaumont, H. F.
Beaumont, S. A.
Beaumont, W. B.
Biddulph, M.
Blennerhassett, Sir R.
Bolckow, H. W. F.
Bonham-Carter, J.
Bowmont, Marquess of
Bowring, E. A.
Brand, H. R.
Brassey, H. A.
Brassey, T.
Brewer, Dr.
Bright, J. (Manchester)
Bright, rt. hon. J.
Brinckman, Captain
Brocklehurst, W. C.
Brogden, A.
Brown, A. H.
Bruce, Lord C.
Bruce, rt. hon. Lord E.
Bruce, rt. hon. H. A.
Buckley, N.
Buller, Sir E. M.
Bury, Viscount
Cadogan, hon. F. W.
Campbell-Bannerman, H.
Cardwell, rt. hon. E.
Carington, hn. Cap. W.
Carter, R. M.
Cartwright, W. C.
Cave, T.
Cavendish, Lord F. C.
Cavendish, Lord G.
Chadwick, D.
Chambers, Sir T.
Childers, rt. hon. H.
Cholmeley, Captain
Cholmeley, Sir M.
Clay, J.
Clifford, C. C.
Colebrooke, Sir T. E.
Coleridge, Sir J. D.
Colman, J. J.
Corrigan, Sir D.
Cowper, hon. H. F.
Cowper-Temple, right hon. W.
Craufurd, E. H. J.
Crawford, R. W.
Cunliffe, Sir R. A.
Dalglish, R.
Dalrymple, D.
Dalway, M. R.
Davie, Sir H. R. F.
Davies, R.
Dent, J. D.
Dickinson, S. S.
Dilke, Sir C. W.
Dillwyn, L. L.
Dixon, G.
Dodds, J.
Dodson, rt. hon. J. G.
Duff, M. E. G.
Duff, R. W.
Dundas, L.
Edwards, H.
Egerton, Adml. hn. F.
Elcho, Lord
Ellice, E.
Enfield, Viscount
Erskine, Admiral J. E.
Ewing, H. E. Crum-
Eykyn, R.
Finnie, W.
FitzGerald, right hon. Lord O. A.
Fitzwilliam, hon. C. W. W.
Fitzwilliam, hon. H. W.
Fletcher, I.
Foljambe, F. J. S.
Fordyce, W. D.
Forster, C.
Forster, rt. hon. W. E.
Fortescue, rt. hn. C. P.
Fothergill, R.
Fowler, W.
Gavin, Major
Gilpin, C.
Gladstone, rt. hn. W. E.
Gladstone, W. H.
Goldsmid, Sir F.
Goldsmid, J.
Goschen, rt. hon. G. J.
Gourley, E. T.
Gower, hon. E. F. L.
Gower, Lord R.
Graham, W.
Greville, hon. Captain
Grieve, J. J.
Grosvenor, hon. N.
Grosvenor, Capt. R. W.
Grosvenor, Lord R.
Grove, T. F.
Hadfield, G.
Hamilton, J. G. C.
Harcourt, W. G. G. V. V.
Hardcastle, J. A.
Harris, J. D.
Hartington, Marq. of
Headlam, rt. hon. T. E.
Henderson, J.
Henley, Lord
Hibbert, J. T.
Hoare, Sir H. A.
Hodgkinson, G.

Hodgson, K. D.
Holland, S.
Holms, J.
Hoskyns, C. Wren-
Howard, hon. C. W. G.
Howard, J.
Hughes, T.
Hurst, R. H.
Hutt, rt. hon. Sir W.
Illingworth, A.
James, H.
Jardine, R.
Jessel, Sir G.
Johnston, A.
Johnstone, Sir H.
Kay - Shuttleworth, U. J.
Kensington, Lord
King, hon. P. J. L.
Kingscote, Colonel
Kinnaird, hon. A. F.
Knatchbull - Hugessen, E. H.
Laing, S.
Lambert, N. G.
Lancaster, J.
Lawrence, Sir J. C.
Lawrence, W.
Lawson, Sir W.
Lea, T.
Leatham, E. A.
Leeman, G.
Lefevre, G. J. S.
Leith, J. F.
Lewis, H.
Lewis, J. D.
Locke, J.
Lorne, Marquess of
Lowe, rt. hon. R.
Lubbock, Sir J.
Lush, Dr.
Lusk, A.
Lyttelton, hon. C. G.
Mackintosh, E. W.
M'Arthur, W.
M'Clean, J. R.
M'Clure, T.
M'Combie, W.
M'Lagan, P.
M'Laren, D.
Maitland, Sir A. C. R. G.
Marling, S. S.
Martin, P. W.
Massey, rt. hon. W. N.
Matheson, A.
Melly, G.
Merry, J.
Miall, E.
Milbank, F. A.
Miller, J.
Mitchell, T. A.
Monk, C. J.
Monsell, rt. hon. W.
Morgan, G. O.
Morley, S.
Morrison, W.
Mundella, A. J.
Muntz, P. H.
Nicholson, W.
Norwood, C. M.
Ogilvy, Sir J.
Onslow, G.
Osborne, R.
Otway, A. J.
Palmer, J. H.
Parker, C. S.
Parry, L. Jones-
Pease, J. W.
Peel, A. W.
Pelham, Lord
Pender, J.
Philips, R. N.
Pim, J.
Playfair, L.
Plimsoll, S.
Portman, hon. W. H. B.
Potter, E.
Potter, T. B.
Price, W. E.
Price, W. P.
Ramsden, Sir J. W.
Rathbone, W.
Reed, C.
Richard, H.
Richards, E. M.
Robertson, D.
Roden, W. S.
Rothschild, Brn. L. N. de
Rothschild, Bn. M. A. de
Rothschild, N. M. de
Russell, Lord A.
Russell, Sir W.
Rylands, P.
St. Aubyn, Sir J.
Samuda, J. D'A.
Samuelson, H. B.
Sartoris, E. J.
Seely, C. (Lincoln)
Seymour, A.
Shaw, R.
Sheridan, H. B.
Sherriff, A. C.
Simon, Mr. Serjeant
Smith, E.
Smith, J. B.
Stansfeld, rt. hon. J.
Stapleton, J.
Stepney, Sir J.
Stevenson, J. C.
Stone, W. H.
Storks, rt. hon. Sir H. K.
Strutt, hon. H.
Stuart, Colonel
Talbot, C. R. M.
Tollemache, hon. F. J.
Torrens, Sir R. R.
Tracy, hon. C. R. D. Hanbury-
Trevelyan, G. O.
Verney, Sir H.
Villiers, rt. hon. C. P.
Vivian, A. P.
Vivian, H. H.
Walter, J.
Wedderburn, Sir D.
Weguelin, T. M.
Wells, W.
Whatman, J.
Whitbread, S.
White, J.
Whitworth, T.
Williams, W.
Williamson, Sir H.
Willyams, E. W. B.
Wingfield, Sir C.
Winterbotham, H. S. P.
Woods, H.
Young, A. W.
Young, G.

TELLERS.
Adam, W. P.
Glyn, hon. G. G.

NOES.

Adderley, rt. hon. Sir C.
Agar-Ellis, hn. L. G. F.
Agnew, R. V.
Akroyd, E.
Allen, Major
Amphlett, R. P.
Annesley, hon. Col. H.
Arbuthnot, Major G.
Archdale, Captain M.
Arkwright, A. P.
Arkwright, R.
Assheton, R.
Aytoun, R. S.
Baggallay, Sir R.
Bagge, Sir W.
Bailey, Sir J. R.
Ball, rt. hon. J. T.
Barnett, H.
Barrington, Viscount
Barttelot, Colonel
Bates, E.
Bateson, Sir T.
Bathurst, A. A.
Beach, Sir M. Hicks-
Beach, W. W. B.
Bective, Earl of
Bentinck, G. C.
Bentinck, G. W. P.
Benyon, R.
Beresford, Colonel M.
Bingham, Lord
Birley, H.
Blennerhassett, R. P.
Booth, Sir R. G.
Bourke, hon. R.
Bourne, Colonel
Bouverie, rt. hon. E. P.
Brady, J.
Bright, R.
Brise, Colonel R.
Broadley, W. H. H.
Brooks, W. C.
Browne, G. E.
Bruce, Sir H. H.
Bruen, H.
Bryan, G. L.
Buckley, Sir E.
Burrell, Sir P.
Buxton, Sir R. J.
Callan, P.
Cameron, D.
Cartwright, F.
Cawley, C. E.
Chaplin, H.
Charley, W. T.
Clive, Col. hon. G. W.
Clowes, S. W.
Cobbett, J. M.
Cochrane, A. D. W. R. B.
Cogan, rt. hon. W. H. F.
Cole, Col. hon. H. A.
Conolly, T.
Corbett, Colonel
Corrance, F. S.
Crichton, Viscount
Croft, Sir H. G. D.
Cross, R. A.
Cubitt, G.
Dalrymple, C.
Damer, Capt. Dawson-
D'Arcy, M. P.
Davenport, W. B.
Dawson, Col. R. P.
Dease, E.
Denison, C. B.
Dickson, Major A. G.
Digby, K. T.
Disraeli, rt. hon. B.
Dowdeswell, W. E.
Drax, J. S. W. S. E.
Du Pre, C. G.
Dyott, Col. R.
Eastwick, E. B.
Eaton, H. W.
Egerton, hon. A. F.
Egerton, Sir P. G.
Egerton, hon. W.
Elphinstone, Sir J. D. H.
Ennis, J. J.
Esmonde, Sir J.
Ewing, A. Orr-
Fagan, Captain
Fawcett, H.
Feilden, H. M.
Fellowes, E.
Fielden, J.
Figgins, J.
Finch, G. H.
Floyer, J.
Forester, rt. hon. Gen.
Foster, W. H.
Fowler, R. N.
Galway, Viscount
Goldney, G.
Gooch, Sir D.
Gordon, E. S.
Gore, J. R. O.
Gore, W. R. O.
Grant, Col. hon. J.
Gray, Colonel
Gray, Sir J.
Greaves, E.
Greene, E.
Gregory, G. B.
Guest, A. E.
Guest, M. J.
Hambro, C.
Hamilton, Lord C.
Hamilton, Lord C. J.
Hamilton, Lord G.
Hamilton, I. T.
Hamilton, Marquess of
Hanbury, R. W.
Hardy, rt. hon. G.
Hardy, J.
Hardy, J. S.
Hay, Sir J. C. D.
Henley, rt. hon. J. W.
Henry, J. S.
Henry, M.
Herbert, hon. A. E. W.
Herbert, H. A.
Herbert, rt. hon. Gen. Sir P.

Hermon, E.
Hervey, Lord A. H. C.
Heygate, W. U.
Hick, J.
Hill, A. S.
Hoare, P. M.
Hodgson, W. N.
Hogg, J. M.
Holmesdale, Viscount
Holt, J. M.
Hood, Captain hon. A. W. A. N.
Hornby, E. K.
Horsman, rt. hon. E.
Hunt, rt. hon. G. W.
Jackson, R. W.
Jenkinson, Sir G.
Jervis, Colonel
Johnston, W.
Jones, J.
Kavanagh, A. MacM.
Kennaway, J. H.
Keown, W.
Knight, F. W.
Knightley, Sir R.
Knox, hon. Col. S.
Lacon, Sir E. H. K.
Laird, J.
Langton, W. G.
Laslett, W.
Learmonth, A.
Legh, W. J.
Leigh, E.
Lennox, Lord G. G.
Lennox, Lord H. G.
Leslie, J.
Lewis, C. E.
Lindsay, hon. Col. C.
Lindsay, Col. R. L.
Lopes, Sir M.
Lowther, hon. W.
MacEvoy, E.
M'Mahon, P.
Mahon, Viscount
Manners, rt. hn. Lord J.
Manners, Lord G. J.
March, Earl of
Matthews, H.
Mellor, T. W.
Milles, hon. G. W.
Mills, Sir C. H.
Mitford, W. T.
Monckton, F.
Monckton, hon. G.
Montagu, rt. hn. Lord R.
Montgomery, Sir G. G.
Morgan, C. O.
Morgan, hon. Major
Mowbray, rt. hon. J. R.
Muncaster, Lord
Murphy, N. D.
Newdegate, C. N.
Newport, Viscount
Newry, Viscount
North, Colonel
Northcote, rt. hon. Sir S. H.
O'Brien, Sir P.
O'Conor, D. M.
O'Conor Don, The
O'Donoghue, The
O'Neill, hon. E.
O'Reilly, M. W.
O'Reilly-Dease, M.
Paget, R. H.
Pakington, rt. hn. Sir J.
Palk, Sir L.
Parker, Lt.-Col. W.
Patten, rt. hon. Col. W.
Peek, H. W.
Peel, rt. hon. Sir R.
Pell, A.
Pemberton, E. L.
Phipps, C. P.
Plunket, hon. D. R.
Powell, F. S.
Powell, W.
Power, J. T.
Raikes, H. C.
Read, C. S.
Redmond, W. A.
Ridley, M. W.
Ronayne, J. P.
Round, J.
Royston, Viscount
St. Lawrence, Viscount
Salt, T.
Sclater-Booth, G.
Scott, Lord H. J. M. D.
Selwin - Ibbetson, Sir H. J.
Shaw, W.
Sherlock, D.
Shirley, S. E.
Simonds, W. B.
Smith, A.
Smith, F. C.
Smith, R.
Smith, S. G.
Smith, W. H.
Smyth, P. J.
Stacpoole, W.
Stanhope, W. T. W. S.
Stanley, hon. F.
Starkie, J. P. C.
Steere, L.
Straight, D.
Sturt, H. G.
Sturt, Lt.-Col. N.
Sykes, C.
Synan, E. J.
Talbot, J. G.
Talbot, hon. Captain
Thynne, Lord H. F.
Tipping, W.
Tollemache, Maj. W. F.
Tomline, G.
Torr, J.
Torrens, W. T. M'C.
Trench, hn. Maj. W. le P.
Turner, C.
Turnor, E.
Vance, J.
Vandeleur, Colonel
Verner, E. W.
Walker, Major G. G.
Walpole, hon. F.
Walpole, rt. hon. S. H.
Walsh, hon. A.
Waterhouse, S.
Watney, J.
Welby, W. E.
Wells, E.
Wethered, T. O.
Whalley, G. H.
Wharton, J. L.
Wheelhouse, W. S. J.
Williams, C. H.
Williams, Sir F. M.
Wilmot, Sir H.
Winn, R.
Wise, H. C.
Wyndham, hon. P.
Wynn, C. W. W.
Wynn, Sir W. W.
Yarmouth, Earl of
Yorke, J. R.

TELLERS.

Dyke, W. H.
Taylor, Colonel

Mr. GLADSTONE: I think, Sir, after the Division that has just taken place, the House will expect to hear a word from me. I apprehend that the effect of the Vote is to lay aside the Bill for the moment. It is in point of form capable of revival, but it requires a Motion for the purpose of reviving the Order. That the Vote of the House has been a Vote of a grave character, I need hardly say; and as the House never wishes to enter into deliberations upon secondary matters while the question of the existence of the Government is in doubt, probably the best thing I can do is to move that we now adjourn, and that we adjourn until Thursday.

Motion *agreed to.*

House at rising to adjourn till *Thursday.*

Ordered, That all Committees have leave to sit To-morrow, notwithstanding the adjournment of the House.—(*Mr. Gladstone.*)

House adjourned at half after Two o'clock till Thursday.

HOUSE OF LORDS,

Thursday, 13*th March*, 1873.

MINUTES.]—Public Bills—*Second Reading*—Marriage with a Deceased Wife's Sister (21), *negatived.*

Third Reading—Intestates Widows and Children * (39); Local Government Provisional Orders * (26), and *passed.*

Royal Assent — Cove Chapel, Tiverton, Marriages Legalization [36 *Vict.* c. 1]; Polling Districts (Ireland) [36 *Vict.* c. 2].

RESIGNATION OF MINISTERS.

STATEMENT.

Earl GRANVILLE: My Lords, before we proceed to the Orders of the Day, I think it right to state to your Lordships that Her Majesty's Government, in consequence of the vote of the

House of Commons yesterday morning, felt it their duty respectfully to tender their resignations to Her Majesty. These resignations Her Majesty has been graciously pleased to accept. Under these circumstances, I only follow the usual course when I propose to your Lordships to adjourn for a few days. I therefore propose that the House on its rising do adjourn till Monday.

The Marquess of SALISBURY: My Lords, I venture to remind your Lordships that there is a precedent for going on in the midst of a Ministerial crisis with the Deceased Wife's Sister Bill—for it so happens that this Bill always does turn up on these occasions—which stands for second reading tonight. In the year 1851, when the Government of Lord Russell resigned—resigned for a few days and then took office again—Lord St. Germans, who then had charge of the Bill, appealed to the House as to whether, the measure being one of merely social interest and not connected with party politics, the House might not proceed with it even after the announcement of the resignation of Ministers; and the House—I think very wisely—resolved that there was no connection between the two events, and went on with the Deceased Wife's Sister Bill. I trust your Lordships will on this occasion follow that precedent.

Earl GRANVILLE: As your Lordships are aware, I am strongly in favour of the Bill referred to by the noble Marquess, and therefore I do not object to the House discussing it, and I by no means wish to stand in the way. The question of going on with it is entirely one for your Lordships, but I must say that it does not appear to me to stand exactly on all-fours with the precedent raised in 1851. If, however, your Lordships think that was a precedent, you may think it well to proceed; but the course I have proposed is the usual one, because, as a rule, it is not convenient to proceed with legislation when there is no Executive Government.

Earl STANHOPE: My Lords, I think there would be no precedent violated by our proceeding to discuss the Bill, which is entirely apart from party politics; and I believe it would be convenient to do so, as a great many Peers on both sides have come from the country to take part in the debate.

Earl GREY: I quite concur with the noble Earl—it is not a question that need be at all interfered with by the resignation of Ministers. I believe it would be for the convenience of your Lordships generally that the Order of the Day in respect of this Bill should be proceeded with.

Lord HOUGHTON: I am quite in the hands of your Lordships; but if I am to go on with the Bill I should like to have the sanction of the noble Duke opposite, the Leader of the Opposition, or perhaps I should now say of the Government, in this House.

The Duke of RICHMOND: I assure the noble Lord that I have heard very little of what he has just said, but I did catch his last remark, and I beg to say we do not acknowledge anything of the kind on this side of the House. As to the question of proceeding with an Order of the Day after the announcement made by the Government, if there were no precedent for it I should have thought it unwise, but as there is a precedent for it I shall offer no objection.

Earl GRANVILLE: My Lords, I think there can be no doubt of the feeling of the House, and certainly I have no objection whatever to the House proceeding to the second reading of the Bill.

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL.—(No. 21)

(*The Lord Houghton.*)

SECOND READING.

Order of the Day for the Second Reading, read.

Lord HOUGHTON, in moving that the Bill be now read the second time, said he did not expect that his Motion would receive their Lordships' undivided attention in the midst of a Ministerial crisis; but this was a question of a very peculiar character, and interesting a very large body of the people. It was the seventh time that the question had come before their Lordships' House, and therefore in moving the second reading of the Bill it was not necessary that he should enter into the question at any length. Neither did he propose to discuss the alleged Scriptural prohibition against the marriages which this Bill proposed to legalize, further than to remind their Lordships that this country stood alone in holding that such marriages were prohibited by Scriptural ordinance. When the Church of Rome was the Established Church of England, such marriages were permitted, as they were in all Roman Catholic countries, by dispensation. In *The Speaker's Commentary*—the last authoritative voice of the Church of England—he found this statement in reference to the passage in the 18th chapter of Leviticus—

> "The rule, as it here stands, would seem to bear no other meaning than that a man is not to form a connection with his wife's sister while his wife is alive. It appears to follow that the law permitted marriage with the sister of a deceased wife. A limitation being expressly laid down in the words, 'beside the other in her lifetime,' it may be inferred that, when the limitation is removed, the prohibition loses its force, and permission is implied. The testimony of the Rabbinical Jews in the Targums, the Mishna, and their later writings, that of the Hellenistic Jews in the Septuagint and Philo, that of the early and mediæval Church in the old Italic, the Vulgate, with the other early versions of the Old Testament, and in every reference to the text in the Fathers and Schoolmen, are unanimous in supporting, or in not in any wise opposing, the common rendering of the passage. This interpretation appears, indeed, to have stood its ground unchallenged from the third century before Christ to the middle of the 16th century after Christ."

There was no country, whether Roman Catholic or Protestant, in which those marriages might not be performed except England. In the United States not only were they legal, but an exactly opposite view was entertained in respect of them to that urged against them in this country, for they were regarded as a means of binding family ties still closer. In Canada also they were legal, and his noble Friend the Secretary for the Colonies (the Earl of Kimberley) had permitted the legalization of those marriages in two of our most important Colonies. Therefore the matter stood in this position—that Englishmen in England could not contract these marriages which in almost every other State in the world they were able to contract with perfect legality. This conflict of law therefore raised a question of vast difficulty relating to the law of domicile, which would have to be submitted to the interpretation of lawyers, and would bring grave discomfort to a large portion of the population. If this was a question of opinion—and it was no more—would their Lordships feel justified in making their individual opinions prevail against that of thousands of their fellow-countrymen who contracted these marriages, and the very much larger number who sanctioned them, and held that there ought to be no legal prohibition against them? Are they invested with legislative power by the Constitution of this country to pronounce whether other men acting on their own free judgment should do, or abstain from doing, any act socially wise or unwise, prudent or imprudent, convenient or inconvenient, in the domestic circle in which each one lives? Are the members of a tribunal of social policy inquisitors of the manners of other men? Is it just that any man should be able to point to any one of their Lordships and say—That man, to whom I have done no injury, inflicts a serious wound on the legitimate happiness of my daily life. Living in the North of England he knew that opinion on the subject in that part of the country was what he had just stated. These marriages were of frequent occurrence, and he was compelled to say that they often led to collusion. It was scarcely necessary to remind their Lordships that up to the year 1835 these marriages were contracted with perfect facility and legality; but at that time Lord Lyndhurst's Act placed the law of this country in the unnatural position of holding that up to a certain day those marriages were right and legal, but after that day they were positively incestuous and illegal. There might have been reasons for this distinction, but if so, they were reasons which plain common sense people would not appreciate or even see, and people went on contracting these marriages with perfect facility. He implored their Lordships to alter this law out of regard to the morality of the people. By the constitution of that House their Lordships represented the public opinion of the country, and he would appeal to them whether they would allow the continuance of such an injustice. The question had been forced upon his attention. Observing the evils that were brought about by the existing state of the law, distinguished clergymen of the Established Church had given their opinion in favour of legalizing these marriages, and in reference to the Petitions presented by so many thousand Dissenters, and between 2,000 and 3,000 Dissenting clergymen, through the Archbishop of Canterbury, he would ask whether that did not show a good feeling which the most rev. and right rev. Prelates would do well to recognize? He knew it was said that much weight ought not to be attached to the Petitions laid on their Lordships Table and the Table of the other House of Parliament in favour of the Bill, because they were got up by a machinery. Well, he was aware of that—he was a part of that machinery himself. It consisted in those who thought that the law ought to be altered talking to others on this subject and enlisting opinion in favour of the change proposed by this Bill. The Petitions presented to their Lordships House in favour of the Bill were signed by nearly a quarter of a million of names. That number of signatures could not have been procured by artificial means. There must be a substratum of public opinion beneath such a manifestation. If their Lordships rejected this Bill he could not hold out any hope that there would be a cessation of agitation in its favour. On the contrary, he believed that agitation would go on year after year with more or less success. The people who contracted such marriages found that they retained the good opinion of their neighbours at the same time that they were doing what Parliament said was an illegal act. That was not a wholesome state of things; and therefore if their Lordships rejected the Bill that evening they must not imagine that they would be permanently victorious. The Bill would be carried when the sense of injury was turned into exasperation, when the sense of injustice had become one of settled animosity; it would be carried when their Lordships' House yielded either from lassitude, or because it could not resist the demand of the people any longer. Many people were watching with anxiety the course of legislation on this subject, and though their Lordships might reject the Bill on this occasion they must not suppose that they would not be addressed again and again. He believed that justice and good policy required that their Lordships should not delay the passing of the measure till such a state of circumstances had arisen, and therefore he begged to move that the Bill be now read a second time.

Moved, "That the Bill be now read 2ª."—(*The Lord Houghton.*)

VISCOUNT GAGE: * My Lords, as one of the oldest supporters of this cause in your House, I must crave your indulgence for a few minutes. Here is again brought before you, I believe for the seventh time, a real and serious grievance, which the other House of Parliament has several times consented to redress, which Her Majesty's Government have lately found it expedient to consent to the redress of in her Australian colonies, and, for the retention of which here no good or valid reason has, as yet, been proved to exist. As for the old pretence, for I can call it no other, of a Scriptural prohibition, that, I can venture to say, is supported neither by fact nor by any tenable argument of induction or analogy. It was once attempted to be inferred from an obscure phrase in the 18th chapter of Leviticus, though the case itself does not occur. But I beg you to observe that wherever a prohibition depends for its object solely upon this one phrase there, whatever it may mean, it is scarcely possible that it can mean marriage. This occurs twice—first in the 7th verse and secondly in the 14th. The object of prohibition in the 7th verse is a man's own father and mother; in the 14th his uncle. The phrase occurs, I believe, in every verse between, but supported by other words, but if in these it has any specific meaning of the kind, the sense would point rather to illicit intercourse than to marriage; for instance, the father's wife, and other wives of the family, whom no man could marry, but with whom he might possibly intrigue. The clerical debators in this House have usually selected the 6th, the 16th, and the 18th verses of this chapter. In the 6th, taking advantage of the sole word "kin" as it appears in our version, they have argued that kin includes affinity. But they have omitted to apprise you of the little adjunct "sarkos" in the Septuagint, and the corresponding "Sanguinis" in the Vulgate, which, expressing blood relationship, would decide the question absolutely against affinity, and I am credibly informed it is the same in Hebrew. Next, in the 16th verse, hoping, I suppose, to get some support to their attempted analogy—the prohibition relating to a brother's wife—but without any authority that I could ever hear of, they insist upon reading widow instead of wife, although the

English version itself says wife, and, moreover—and I beg special attention to this—the remainder of that verse gives a reason for that prohibition, "Because that nakedness is thy brother's," which it could not well be if he were dead. We now come to the notorious 18th verse, which we, in our simplicity, had always supposed must decide this part of the question in our favour. How do you suppose they attempt to get over this? They actually venture to plead the marginal reading, and say that "sister" does not mean sister, but only sister woman. Now, surely such very sharp-sighted advocates might have perceived that such reading would make Leviticus forbid even bigamy to the early Israelites, while they perfectly know that polygamy is sanctioned throughout the Old Testament, and prevailed, unreproved, throughout the whole Jewish polity. The Jews, too, themselves never supposed that marriage with a deceased wife's sister to be forbidden, but, on the contrary, and very sensibly, as the very best match a widower could make, and to which, where there are children, they give special facilities. The only remaining clerical point that occurs to me is one which seems to me to lie at the very root of this question of affinity; it is neither more nor less than the ancient dogma of man and wife being—not as you have all probably been in the habit of supposing figuratively—but actually, really, substantially one flesh. Now, if this be an article of religion, I would ask why we have dissented from the old Roman dogma of transubstantiation? They both rest on the same identical ground of literal translation of words, and, of the two, perhaps this consubstantiation most contradicts our senses. But how, rejecting the one, can we maintain the other? But let it pass, let man and wife be one flesh—that they are not always one spirit, I fear the warmest supporters of the dogma can testify—but let them be one flesh, was this the creed of the people who buried Sinbad with his wife? Would you like to carry it out to the same logical conclusion? The being ever so much one flesh could only affect themselves or the descendants, and could not, in any justice or common sense, be held to affect collaterals who have taken no part in the ceremony which is supposed to have worked the miracle. But, say our opponents, it would be incest; not unless the first marriage had been incestuous. It is a curious idea of incest to call it incest to marry an alien in blood when it is not incest to marry with a first cousin; but are sisters-in-law sisters? This is just what they are not, for, except in the instance of this one disqualification, the law utterly ignores the relationship. Brothers and sisters, there so-called in law, cannot inherit from each other, and if one leaves a legacy to the other, not one farthing of the Legacy Tax will be remitted. They are no longer brother and sister, but strangers. But they are brother and sister in church law; very well, then, let church law, instead of civil law, enforce the penalty. It is all we ask. Give to those wishing to marry their deceased wife's relatives the same privilege of making a valid marriage before the registrar as you have given to Dissenters and all who object to the church service, and confirm, of course, all marriages already contracted as you did on another former notorious occasion, which has produced half the evil, and every reasonable man amongst us will be satisfied, and the church may maintain its "non possumus." But I must now call your attention to the Church marriage service itself. It defines and limits the contract, "Till death do us part;" when death occurs, then, the thing is at an end, the survivor is free, free to become one flesh with another, and the contract being thus, upon its own terms, finished and ended as to the principals, must, *a fortiori*, be annulled as to all others connected only by ties derived from that contract; to deny this would be like saying that a man who had been security on a bond must be held liable after that bond had been discharged and cancelled. We will now turn to the social side of the question, and here there would, no doubt, be room for difference of prospective opinion as to the effect of a relaxation of the law. But, happily, we are not left to mere conjecture upon this point, for the experiment has been tried by every, or almost every Protestant state in Europe and America, and the result is before us in unimpeachable testimony of credible witnesses of every class—Divines, Jurists, and Laymen—and not a trace of any of the predicted evils has appeared. But it has been emphatically denied on the other sides that this is, in any degree, a poor man' question. I think a little consideration of circumstances will show this to be a mistake, for mere numbers must give an excess of cases where the deceased wife's sister must, almost of necessity, take charge of a labourer's young family. A rich man may buy what aid he requires, but a poor man must depend upon that of some female relation or connection, whose natural affection for himself or his children may induce her to undertake the charge. Should this happen, as it often must, to be the late wife's sister, and probably with some family likeness in person or in mind, then, I say, the mutual interest in the children, and the almost necessary familiarities of cottage cohabitation, are likely to produce their natural effects. Then comes in this law to complete the misfortune in enforced immorality, and if any attempt be made to avoid this, too possibly in the vilest treachery and ruin of the devoted woman, I say all this evil is chargeable on this law; but for it the parties would have been legally married, and the orphan children have had their best chance of an affectionate and kind stepmother. I can see no countervailing evil in the repeal of such a law; but if any unforeseen evil or inconvenience should arise, I beg you to consider are there no public evils or inconveniences in the retention of the law? Is it no evil for us to refuse redress to the numbers, year after year, petitioning us not to withhold a boon of justice, their own representatives have over and over again conceded to them?—and that, without any reason, the justice or validity of which they can recognise? Is it no evil that the Church is made to appear the principal cause of the oppression of which they complain, and that, too, without being able to show any real reason for its hostility, from those Scriptures to which all are willing to bow. Is it no evil to unwife numerous respectable women who know that before God their status is as sacred as that of any wives in the kingdoms, and would be so considered in every other land but their own, which yet boasts of its Protestantism and liberty. To bastardize their children, whom they know to be as legitimate as any of yourselves, and who everywhere else would be generally acknowledged to be so, but who here if ever so carefully provided for by the testamentary foresight of their parents, must be mulcted of nine per cent. of their inheritance through the operation of this senseless and oppressive prohibition. Surely these evils, positive and present, may well be held to outweigh the vague, not to say imaginary, vaticinations of the opponents of this Bill, flatly contradicted as they are by the experience of other countries, whose real liberty may shame the vaunted liberty of Great Britain. It is calculated that there are at this day some 50,000 persons, most of them children or descendants of these marriages, who have broken no law, just or unjust, and who are still suffering under this one, victims of a law originating in ancient superstition, which has long ceased to command the respect of general society, unsupported by which it is powerless to prevent, and can only avenge its infraction upon the guiltless offspring of the offenders. Will you then insist on retaining an effete law, punishing the innocent, and inductive of immorality of the grossest kind and the most treacherous, now that it has been again condemned by overwhelming majorities of the People's House of Parliament, encouraged by whose reiterated verdict these oppressed people again venture to come before you, humbly imploring you no longer to withhold rights which, by the Laws of God and Nature, and by the votes of their representatives, are theirs.

EARL BEAUCHAMP said, that in moving that the Bill be read a second time that day six months, he did not think he need go into all the arguments that year after year the promoters of the Bill did not scruple to bring forward; but the noble Viscount who had just sat down, had used the most startling argument yet put forward by the promoters of the measure. The noble Viscount had told them that as the marriage service of the Church of England contained the words "till death do us part," when death intervened and dissolved the marriage contract that put an end to all obligations except the tie binding parents to children. But if that argument were good, this Bill was a miserably imperfect measure, for it dealt only with a fragment of an important question, leaving untouched all other relations. The argument involved consequences too horrible to contemplate, and might be held to justify marriages about the incestuous character of which there could be no doubt; and he trusted it would never again be advanced. As to the often contested passage in Leviticus, he denied that the opponents of the Bill based their objections solely on the prohibition contained in that passage; but it was true that the only Scriptural argument in favour of the Bill was founded upon this one passage, which was confessedly of doubtful interpretation; that was the position taken by the promoters of the Bill, and not by those who opposed it. The supporters of the Bill rested the whole of their Scriptural argument on that one obscure verse—but that passage, he held, ought to be taken in conjunction with all the other parts of Divine law laying down the principles on which marriage was founded. A great deal had been said in this matter about the people of England, and the number of Petitions that had been presented in its favour, and the noble Baron had told their Lordships that a quarter of a million persons had signed Petitions praying their Lordships to pass it. But he wished the noble Lord had favoured them with some information as to the way in which these Petitions had been got up and the signatures obtained, and how the funds had been raised to promote the agitation, for everyone at all conversant with the subject must be aware that there had been the most lavish expenditure.

Lord HOUGHTON: No, no!

Earl BEAUCHAMP: Those who had watched the movement, knowing what hosts of lawyers' clerks had been employed, how many pamphlets had been distributed, and how many meetings had been held, could not doubt that an enormous expenditure of money had been incurred in order to create a certain amount of fictitious public opinion. He should learn with respect the opinions of the people of England when they were properly ascertained, but he could not attach much value to Petitions however large and imposing when he knew that they had been got up in the manner described by a person on whose information he could rely. His correspondent, who was in Birmingham at the end of February, saw persons placed at the corners of the principal streets in charge of tables on which were spread large sheets of paper with the usual heading in favour of the Bill. The men solicited the passers-by to sign, and women and boys signed indiscriminately; but no men or respectably dressed women signed. In such a manner it was easy to get up a formidable array of Petitions of little value. Much had been said about the number of times the House of Commons had pronounced in favour of this or a similar measure:—it was desirable, therefore, to inquire how the House of Commons had dealt with it. The question had been submitted to seven Parliaments since 1841. In that year a similar measure to this, but of which this Bill was only a portion, was rejected by the House of Commons. The Houses elected in 1847, 1852, and 1857, passed the Bill; but it was rejected by the Houses elected in 1859 and 1865. The House of Commons, elected in 1868, passed the Bill in 1869 by a very large majority. But what had happened since? Why, that majority of nearly 100 of 1869 had fallen in the present year to 40. The fact remained that of seven Houses of Commons to which the Bill had been submitted, three had absolutely rejected it, three had allowed it to pass, and in the present House the majority had considerably decreased. Stress had been laid upon the circumstance that whereas formerly there had been a large preponderance of opinion in Scotland against the Bill, in the last division the Scotch Members for and against it were nearly equal; but the noble Lord forgot to add that the promoters of the Bill, guided by experience, had taken pains to bring the measure forward at the earliest possible moment. They knew that the majority of the Irish and Scotch Members were opposed to the Bill; but the promoters, being able tacticians, had taken care to secure divisions before the majority of Scotch and Irish Members had arrived in any great numbers to attend their Parliamentary duties. On this account the last division was no test of the feeling of the people of Scotland on this question. The people of Scotland were very disputatious, but if there was one point on which the Presbyterians were unanimous it was in their opposition to the change proposed by this Bill. But the real question was, not what was the opinion of the people of England, but was the measure founded on justice and truth, or fatal to the domestic peace and happiness of the people of England?

The noble Baron who moved the second reading, following Lord Penzance, had thought proper to ridicule the doctrine that man and wife were one flesh; but if that intelligible doctrine was to be swept away, what security would they have for the morality of family life? He should like to know what was to be substituted for it? The law as it now stood was intelligible in the restrictions it imposed, and he implored their Lordships not to do away with it and so leave the community in reference to a most important matter without chart or guide. In support of the social argument the interests of the poor were urged with a total disregard to the facts of the case, because this was not a poor man's question. The women of poor families having to earn their own living, often in service, were seldom able to reside in a brother-in-law's house, so that poor people were rarely so circumstanced that the provisions of the Bill would in any way affect them, and he hoped the House would not be led away by that argument, for the interests of the poor as well as of the rich would he believed be best served by maintaining the law as it stood, and thus preserving that family peace which was so conducive to the morality of the English people. The promoters of the Bill, he might add, had never yet faced the question whether the prohibitions of the Law of Moses were exhaustive or not. That was to say, whether no prohibition was binding which was not expressly, and in words forbidden, by the Law of Moses. If they were exhaustive, he would remind them, there was no law to prevent marriages of the most shocking description — even the marriage of a father and daughter. It might be said that such a suggestion was too horrible to be entertained, and was not to be taken into account as an argument on the subject. But he must point out that according to the correspondent of *The New York Times* there were parts of America where men were found to marry their wives' mothers. In fact, it was obvious that the fair principle of interpretation implied when a man was forbidden to marry his brother's wife, he was equally forbidden to marry his wife's sister. If this Bill became law the whole of the prohibitions with regard to consanguinity and affinity would have to be revised, and, therefore, he implored their Lordships to reject it. The noble Baron asked their Lordships to pass this Bill, and settle the question; but, so far from the passing of this Bill settling the question, it would be the starting point for new agitations, and the same machinery would be set in motion to obtain the sanction of the Legislature to marriages still more objectionable. To show the danger in that direction, he might mention that when he was in the House of Commons a Petition was presented from the communicants of a Dissenting body in Dundee in favour of a man being allowed to have more wives than one, and the petitioners used arguments so familiar to their Lordships in reference to this very Bill. So that in sanctioning this Bill their Lordships might be taking the first step in a course which would be productive of much evil, and might lead to consequences of which they little dreamt. Again, a most serious difficulty would arise from placing the law of the State in conflict with the law of the Church. Before the year 1835, these marriages were void, but the temporal Courts could take no cognizance of the matter until the Ecclesiastical Courts, which alone could take cognizance of spiritual causes, had pronounced them void. Therefore, although the law at that time gave no sanction to such marriages, there was a practical difficulty in the relation between the temporal and Ecclesiastical Courts, and the Act of 1835 merely enabled the temporal Courts to take original cognizance of the illegality of such marriages. It had been said that prior to the Reformation the law in England was the same in this matter as in all Roman Catholic countries; but the noble Baron might have informed their Lordships that until the 16th century such marriages were quite unknown. If the noble Lord quoted Dr. Vaughan and Dr. Hook in favour of these marriages, it would be well that he should assure himself that they still entertained that opinion. There could be no doubt that an active personal canvass had been made to induce their Lordships to vote for the Bill; but he trusted that by their vote that night they would give an impartial verdict in favour of maintaining a law which had been productive of the purity of family life in England, and that they would not, by any considerations of what might be represented as personal hardship, be induced to sweep away a law which was consistent with itself, and which, if shattered or impaired, must lead to the commencement of an agitation of a most perilous and disastrous kind, and also deal a fatal blow at the domestic morality of this country.

An Amendment *moved*, to leave out ("now") and insert ("this day six months").—(*The Earl Beauchamp.*)

LORD STANLEY OF ALDERLEY said, he trusted their Lordships would consent to the second reading of the Bill. The objections urged against the Bill by those who were opposed to the change were two-fold. The first objection was urged by those who held that these marriages were contrary to the Divine command. That objection was founded upon a misinterpretation of the Levitical Law, which was now almost entirely given up; indeed, it was very difficult to say how such a misinterpretation could have arisen when the text of Leviticus was so clear in the sense of permitting, instead of prohibiting, them. He believed that the cause of the idea which certainly prevailed, or did prevail, that these marriages were forbidden by Divine command was simply this—that persons reading the Table of Affinity and Prohibited Degrees, which stated that persons in these relations were forbidden in Scripture to marry together, jumped to the conclusion that the prohibition was of Divine institution—losing sight of three small words which very much qualified that statement—these three words which followed after "Scripture" being "and our laws." Now, "and" was a disjunctive and not a copulative conjunction in that place, and the word "or" would have been more correct. It was known that the Catholic Church gave dispensations for these marriages; but the Papal dispensations were never granted except in relief of the law imposed by the Church — they never pretended to give dispensations from obedience to the Divine law. When at Rome, in 1869, during the General Council, he had learned from several Prelates that dispensations were more frequently and more readily granted for these marriages than for those between first cousins. As to the correct interpretation of the law in question, a small number of English objectors stood alone in their interpretation against the great body of the Catholics, the German Protestants and the Jews. England, indeed, was the only country in which the prohibition was maintained by law. The second objection was rather more difficult to meet, because it was well founded on the part of those who held it. It was founded on the law of the Catholic Church, or canon law. He had as much respect for the canon law, or ecclesiastical law, as the noble Earl who had just sat down (Earl Beauchamp) could have, but he did not admire it when it was incomplete and maimed, and deprived of its Court of Chancery for the relief of suitors, or, in other words, the power of appeal to the Vatican. Now, as the marriage of first cousins was prohibited by canon law, and was also undoubtedly objectionable, why did not those who opposed this Bill, on the grounds of the wife's relations being the husband's relations, in consistency bring in a Bill to prohibit the marriage of first cousins? No doubt, their consistency would induce them to do so if they could:—then why should not the same prudence which prevented them attempting to place new restrictions which would not be endured, also prevent them from persisting in maintaining a restriction upon people who were in no way bound by it, since their consciences were not bound? The consistency of the Prelates of the Middle Ages led them to extend these restrictions on marriage with the wife's relations to marriage between a husband and the relations of the first husband of his wife, and between a second husband and the relations of the first husband. These restrictions went very much further than could be tolerated even in those times, and they were abolished by the General Lateran Council of 1215. These and other marriages not forbidden by Divine law must be left to the consciences of the contracting parties. The passing of Lord Lyndhurst's Act was, in fact, the invoking of the secular arm of the State—a proceeding which might be defended in a Catholic country on Catholic premises, but which it would be difficult to defend when had recourse to by a Church founded on the right of private judgment. The consciences of right rev. Prelates would be oppressed if they were asked to consecrate or even to sanction marriages which they felt bound to object to. But they were not asked to do so. The Bill provided that these marriages should be before the registrar, and the right rev. Prelates were only asked to suffer those who believed these marriages to be lawful, to contract them. By continuing to offer an active opposition to this Bill, and thereby constraining noble Lords who belonged to their flocks to vote against it, they not only inflicted a hardship upon Jews and Christians who did not follow canon or ecclesiastical law, but also upon Her Majesty's Catholic subjects, who, by Parliament law, were deprived of their privileges of relief through dispensations obtained by their own Prelates. The object of the restrictions imposed in the early days of the Church no doubt was to strengthen the idea of the sanctity of marriage, and of man and wife being one flesh, by treating the wife's relations as the husband's. That object, however, was no longer obtained by that means, now that the unity of Christendom was lost, and that these marriages could be lawfully contracted in other countries of Europe. On the contrary, a bad example was set up, and by these marriages being placed under the ban of the civil law, which was not universally upheld by religious law, a sort of half-way house was set up between marriage and the dispensing with marriage altogether. Some opponents of the Bill were yet more inconsistent—men who held ultra-Protestant opinions and fumed at canon law, who yet, by opposing the Bill, helped to rivet the chains of canon law round the necks of their countrymen. Such inconsistency could only be equalled by their drinking the "glorious, pious, and immortal memory" in toast and water, or with their glasses turned upside down. He would appeal to the noble and learned Lord on the Woolsack not to show his independence by giving his first vote against the Bill, and against his own side of the House.

THE BISHOP OF OXFORD said, it had been claimed by noble Lords who were in favour of this Bill that England stood alone among the nations of Europe in opposition to these marriages. He (the Bishop of Oxford) on the contrary, was not aware of a single country in Europe in which the law stood as this Bill would leave it—a condition of entire confusion and intolerable wrong. Noble Lords who had spoken in favour of the Bill seemed to think that the prohibitions set forth in the Table of prohibited Degrees were a mere series of haphazard prohibitions strung together anyhow. So far, however, from its being the result of caprice or hazard the Table proceeded on a very precise and intelligible principle. No man was allowed to marry a woman descended from his own parents, and no woman to marry a man descended from her parents; and, in addition, the blood relations of the one were, for this purpose, put on the same footing as the blood relations of the other. These were the principles on which the Table of prohibited Degrees was based. If this were passed a part and only a part of one of these principles—that which made the blood relations of the wife the blood relations of the husband—would be lost, and this anomalous state of things would follow—that a man might marry his deceased wife's sister, but a woman might not marry her deceased husband's brother—or a man might marry his deceased wife's niece, while the woman might not marry the deceased husband's nephew. If this Bill passed one line of marriage would be legal and the children legitimate, and the other unlawful and incestuous, and the children illegitimate and subjected to a terrible degradation. This was an anomaly which would not stand, and if the Legislature sanctioned the one class of marriages it would soon have to remove the bar against the other. It might be replied that in these matters Parliament did not legislate by logic. Now, he did not insist on noble Lords paying respect to logic or reason; but whereas when his opinion was now asked on any such unions, he could say that they were forbidden on an intelligible principle which had been for 300 years the law of England, what, if the Bill passed, could he say to a woman marrying her husband's brother? He should be obliged to say that a precisely analogous union had been legalized, but that as persons had not subscribed, agitated, and petitioned, and had not tickled Nonconformist antipathies, that particular union remained illegal and incestuous. He knew it had been said that by passing this Bill they would simply be returning to the state of things which existed prior to the Act of 1835. But as a matter of fact, that Act did not contain one word relating to these marriages; what it did was to draw a retrospective distinction between consanguinity and affinity—the only logical distinction on which this case could rest. Unions between a wife and her deceased husband's brother, and between a man and his wife's niece, were logically involved in this Bill, otherwise an intolerable injustice and wrong would be committed. As to the alleged absence of a desire for these other unions, he had repeatedly met with or heard of cases in which persons had contracted or wished to contract them—especially the marriage of a man with his brother's widow. The canon law had nothing to do with the question, and though Scripture had much to do with it he had not urged that view of the matter. He could make every allowance which had led those in the background who were the real promoters of the Bill to put it forward year after year, he could make every allowance for tender affection and strong passion which might induce persons who had perhaps been engaged for many years to seek a sanction to their illegal union from this House to the disregard of the feelings of the right rev. Bench; and there were many persons for whom he had the sincerest esteem and regard, to whom the removal of the existing restriction would be a relief from a conscientious restraint; and therefore he should be glad if he could conscientiously support a Bill which would be a great relief to such persons; but he had to consider, not individual affections and passions, but a consistent and tenable marriage law. Their Lordships were legislators, and were bound to consider what the probable effect of the passing of the Bill would be. He entreated them not to pass a measure which would inflict intolerable wrong on those the prohibition of whose marriages was not repealed, and which, proceeding upon no sound principle, would be an outrage upon morality and reason, which Parliament had no right to permit.

Lord O'HAGAN*: My Lords, if the operation of the Bill, submitted for the approval of your Lordships, had been confined to England or to Great Britain, I should have preferred to give a silent vote on this occasion. I cannot pretend to understand the moral condition or the social exigencies of this great country as well as those whom I address, and I should have been content to listen to the teachings of their larger experience and more accurate knowledge. But the Bill extends to Ireland, with which I am better acquainted—which has not asked for it, and does not want it—and where, I am satisfied, the majority of the people dislike its principle, and would repel its operation. I have formed a strong opinion on the question, and I desire to express it briefly. In common with my noble Friend (Lord Houghton) who originated this discussion, in a very temperate and graceful speech, I have the sincerest sympathy with any innocent persons who suffer from the law as it exists. From some of them I have received communications which have touched me deeply. But I cannot pity those by whom that law has been deliberately violated, on the prompting of passion or in concession to a supposed expediency, without consideration of the fatal results to trusting women and unborn children. If it were possible to relieve in cases of real hardship, with due regard to the momentous issues involved in the controversy, I suppose we should all be glad to aid in doing so; but we have to consider what is right and wise, and for the highest interests of the society in which we live. We cannot play with them according to the impulse of our feelings. We are bound to deal with them as judgment and conscience dictate when we come to touch that family life which is the very corner-stone of our social state, and, according to its moral condition, becomes the glory or the shame, the strength or the destruction, of a people. The noble Lord who moved the second reading sought to overbear us by the weight of precedent, and made many references to Germany, Canada, and the United States. It was a dangerous argument, and, well considered, does not assist my noble Friend; for, assuredly, authority is against him. The promoters of this Bill are encountered by the harmonious teaching of the Christian Church, and the unbroken tradition of the Christian people, since Christianity first rose into existence. I do not enter on the Scriptural dispute, or deal with the famous passages of Leviticus as establishing an irrefragable dogma. I look to the vital principle and sure foundation of Christian marriage, declared at the birthtime of the human race, and consecrated by the affirmation of the Redeemer, that the husband and wife are "one flesh," bound together in a perfect and holy union, and each absolutely belonging to the other, with a complete identity of love, hope, interest and life. The great contemplative poet of our age has put it thus—

> "Wedded love with loyal Christians,
> Lady, is a mystery rare;
> Body, heart, and mind in union,
> Make one being of a pair."

And from that old conception of the marital relations has alway been deduced the inference that the kinship of the wife should be held to be the kinship of the husband; and that the wife's sister should not be the husband's wife. This principle has, unquestionably, been maintained at all times since the earliest days of Christianity. It was proclaimed in the Apostolic Constitutions before the Nicene Council. It became a part of that great system of jurisprudence which was generated when the Christian civilisation rose on the ruins of the effete and corrupt Imperialism of Rome; basing the hope of the world on the strictness and continency of the family relations, and raising up woman from her low estate to soften and to purify the rude society around her. The Theodosian Code condemned the practice which we are asked to approve, and declared marriage with a deceased wife's sister to be unlawful. And thenceforth, for many a century, down even to our own time, the doctrine of that Code has been held intact by famous theologians and solemn Councils. It was the doctrine of Basil, and Ambrose, and Augustine. It was the doctrine equally of the East and the West. It was affirmed by ecclesiastical assemblages in the various countries of Christendom, as they were successively comprehended within the fold of the Church; and it commanded the assent of all of them. The dispensing power claimed by the Popes was at first resisted and denied, on the ground that the prohibition was absolute and mandatory by the law of God. And, when that power was at length established, it continued emphatically to witness the inherent impropriety of a practice which was permitted only in the most special circumstances for the gravest causes, and to prevent worse results. So it remains at this hour; for although in the Roman Catholic Church dispensations are obtained, they are got with difficulty, and because of plainly coercive exigency. This Bill has nothing to do with marriages so allowed. It gives universal licence; and the memorial of the Catholic clergy, to which reference has been made, praying only for the legalisation of such unions when authorised by special permission, in no degree involves the approval of its principle. The Greek Church, whatever may have been its decadence and shortcoming, is a venerable witness to the discipline of Christian antiquity; and in it marriages of this sort are deemed to be incestuous and incapable of being validated at all. If we pass from ancient times, and come down to the Protestant Confessions of later days, we find that the unlawfulness of such a marriage was asserted equally by Lutherans and Calvinists, in Scotland, in Geneva, and in France; whilst in the Church of England it has been consistently proclaimed. Then the fact relied on by the advocates of the measure—that on the Continent of Europe such marriages are allowed in many countries, comes rather in aid of the argument against them; for in most of those cases they can be legalized only by special dispensation. The Commissioners who reported on the question in 1848, put the matter thus—

> "Protestant States on the Continent of Europe, with the exception of some Cantons of Switzerland, permit these marriages to be solemnised by dispensation or licence, under ecclesiastical or civil authority."—[*Report*, p. vi.]

Exceptio probat regulam. The need of dispensation shows that the act is disapproved. It may be otherwise in some parts of Germany and America, to which my noble Friend so confidently referred; but the result of the abrogation of the old Christian discipline there is surely such a state of things as should deter instead of attracting us, and furnish a solemn warning rather than an inducement to imitation. We cannot approve of indiscriminate connections, lightly formed, and dissolved as lightly, on the first gust of temper, or the first assault of ungoverned passion, which it is a mockery to dignify by the sacred name of marriage. Therefore, my Lords, on the issue of authority raised by my noble Friend, we have the testimony of the Christian world from the earliest times against this innovation, and, for my own part, I should require the most potential reasons to overbear that testimony—

"Securus judicat orbis terrarum."

We are the "heirs of all the ages," and we should not lightly set aside the instruction which they give. If you would maintain a Christian civilization in the world, hold high the ideal of the Christian marriage. Do not abase its dignity; do not dim its brightness. The time is not apt for meddling rudely with that greal ideal, or, as you are asked to do to-night, with principles which are its bulwarks, and from which it derives its beauty and its strength. Old landmarks are vanishing away. Doctrines of international law and political justice, which long governed the public conscience of mankind, are losing their power. The elements of socialistic anarchy are working through the nations; and we should beware of precipitating the time when laxness as to the marriage bond may help to bring us to the condition of Rome, as described by Gibbon—"when marriages were without affection, and love was without delicacy or respect;" and when corruption, in that regard, was one of the worst instruments in the overthrow of the mightiest of empires. But, my Lords, if all I have said were to be disregarded; if there were no tradition, or authority, or religious influence to warrant the rejection of this Bill, I should still oppose it in the interest of society, and for the maintenance of the dignity and purity of the family life. I should oppose it, because it is calculated to alter the relations of the sexes in a way most serious and most mischievous. The connection of the brother and the sister is delicate and tender, and so ought to be that of the brother-in-law and the sister-in-law—a connection of love and trust and mutual helpfulness, without the taint of passion or irregular desire. And thus it will continue, if you refuse to make legal marriage possible between them. Temptation is bred of opportunity, and dies when it is lost. Give the prospect of the marital union which this measure would validate to a household now peaceful and harmonious, and are you sure that the husband will remain free from evil thoughts and wrongful aspirations, which he never before indulged? May not the dying wife find her long hours of pain made doubly miserable, when she feels herself tortured by jealous thoughts of the probable relations of her husband and her sister, commencing in her lifetime and in her presence, and to be consummated as soon as the grave has shut her from their sight? And for the maiden sister, would she not be precluded, in the circumstances this measure would create—just in proportion to her delicacy and gentleness and modest fear of misconstruction—from entering a home where she would be a "ministering angel?" And if she should, notwithstanding, enter it—resolved to exhibit the unselfish devotion and heroic self-sacrifice which so ennoble the nature and the life of woman—would there be no cause for fear lest she should sometimes be distracted by the bewildering and corrupting thought, that it might be her lot, by the licence of the law, to mount as a nuptial couch the bed on which her sister, in her agony, had awaited dissolution? I repeat, if there were no question of religious policy or authoritative teaching in the matter, for social reasons only we should be earnest in our resistance to this Bill. And why should we ignore the wisdom of the past and imperil the hopes of the future by adopting such a measure? Three reasons mainly seem to me to have been suggested in the course of this debate for the adoption of it. It is said that we have no right to limit the freedom of action in matters like this, if not absolutely immoral and forbidden under any circumstances and with any sanction. But are those who argue so prepared to press their contention to its consequences? Will they do away with all prohibitions on the score of affinity, and deny to the State the right of imposing any? Will they refuse to the wife the privilege of marriage with the brother of her husband, whilst he obtains licence to marry with her sister? Will they tell those who urge that polygamy is lawful, and cite the authority of Milton to sustain their opinion, that the law must not interfere, and passion shall have its way? They cannot, and they will not. The Legislature must have power to regulate, more or less, the conduct of the people for their moral good. Then it is said that, because so many suffer from the present restriction upon marriage, it ought to be abrogated. A bold argument, involving an evil consequence—if deliberate lawbreakers are to be encouraged to trample down the restraints to which they are bound to submit, succeeding all the more by reason of the audacity of their defiance of those restraints, and of the very flagrancy and frequency of their offences. And, finally, it is said that this is a poor man's question. I doubt it much. I am assured by those who know England well that the persistent agitation of it, for so many years, has been maintained not by the poor but by the rich, who have an interest in it as leading to the condonation of their own illegality in the past, and not as securing a social improvement in the future. And I do not know that the poor man does not need to be guarded from doing what is evil—dangerous to himself, and injurious to his family—as much as the rich. Nor do I believe that there is any necessity upon him to act against the policy of the law. In my own country, where such marriages are practically almost unknown, the poor feel no need of them, and no desire to enter into them. And this observation brings me back to Ireland, which, I repeat, in my opinion, does not want this measure, and should not be forced to have it. We have been, so far, I thank God, saved from the infliction of a Divorce Court such as you have in England. I do not believe that any class or denomination of Irishmen desire such a law, with its long train of temptations, evil examples, and inevitable corruptions; and yet I fear that of it this Bill, if successful, would surely be the herald. In these matters we Irishmen desire to be let alone. We have had much to endure. We have had penury and persecution; we have been cursed by intestine dissension, and disgraced by social outrage; but, through all chance and change, we have preserved very rich possessions in the sacredness of the Irish hearth and the purity of Irish womanhood. And from these we shall not willingly be parted. Better times have come; material progress carries us onward; civil strife passes away; and equal laws establish the reign of justice. But we will not abandon, in our happier day, these precious things which we have inherited from the struggles of the past. I fear that measures such as this must bring them into peril, and therefore I oppose it. I grieve that my conclusion is not in accordance with the views of most of those with whom it is my good fortune to act politically in this House; but I cannot falsify my own convictions, and I am coerced to vote against this Bill.

VISCOUNT LIFFORD said, he desired to read to the House a letter which he had received when this subject was under discussion in their Lordships' House on a former occasion. The letter was from Dr. Spratt, Provincial Vicar General of Ireland. That letter said—

> "My Lord,—I most respectfully beg to inform your Lordships that the Roman Catholic clergy of Dublin have watched with very great interest the progress of the 'Bill to Legalize Marriage with a Deceased Wife's Sister,' and we are much gratified at learning that it has, for the seventh time, successfully passed through the House of Commons by a very large majority, and we all sincerely hope that it will be equally successful in its passage through the Upper House, of which you are a distinguished Member. I beg also to state that 88 of our clergy here, which include our vicars general and parish priests, have signed a Petition for presentation to the House of Peers, and we are extremely anxious that such marriages, when they have received the sanction of the Church by dispensation granted, should be valid for all civil purposes. May I, therefore, most respectfully solicit your Lordship's vote and interest in favour of the Bill, and assure you that there is no other country in the world where such marriages of Catholics are civilly invalid.—I am, with great respect, your Lordship's most obedient servant,
>
> "JOHN SPRATT, D.D.,
> Provincial O.C.C. of Ireland."

He believed that to be the opinion of most Roman Catholics. It could be proved by ancient authorities that these marriages were in existence at the time of Our Lord, and he had a right to ask when and how they ceased to be permitted? St. Jerome confirmed St. Augustine and Theodoret in holding the interpretation of the chapter of Leviticus which made marriage with a deceased wife's sister lawful. Jerome said, as plain as words could make it, that the verse prohibited marriage with a wife's sister during her lifetime—"*Sororem uxoris tuæ in pellicatum illius non accipies, nec revelabis turpitudinem ejus, adhuc illâ vivente.*" The concurrent testimony of the three greatest Bible-scholars of their age—the end of the 4th and the beginning of the 5th century—in addition to the Septuagint, the Syriac, and Italic versions, were sufficient to show the opinion of the Church for the first 400 years. There were two facts which met every objection to these marriages—that they were acknowledged by all other Churches, and that they were acknowledged by our own Church, for one of its Articles was that—"As a Church ought not to decree anything against God's Word, so besides the same ought it not to enforce anything to be believed for necessity of salvation." He denied that the Bill would open the door to other marriages. There was a broad distinction in the Levitical law between the relations of the husband and the wife. In Smith's *Dictionary of the Bible* it was stated—

> "The Hebrews regarded the relationship existing between the wife and her husband's family as of a closer nature than that between the husband and the wife's family. As illustrations of the difference we may note—first, that the husband's brother stood in the special relation of Levi's brother-in-law; second, that the nearest relation on the husband's side stood in the special relation of avenger of blood to the widow; third, that an heiress was restricted to marriage with a relation on her father's side. As no corresponding obligations existed in reference to the wife's or the mother's family, it follows almost as a matter of course that the degree of relationship must have been regarded as different in the two cases, and that prohibitions might on this account have been applied to the one from which the other was exempt."

He entirely denied that the Bill could open the door to other marriages not included within its scope—he asked for nothing which permitted in the shape of marriage what was not permitted by the Word of God. Leaving the religious, and coming to the social question, it was asserted that painful feelings would arise between the husband and wife's sister if they were permitted to marry, and if she resided in the same house with him. Still more painful feelings, however, arose from the present state of the law when the sister of the deceased woman married the husband, which was of common occurrence. But if the wife's sister and the husband lived together in concubinage, and no form of marriage took place, no record was made of the occurrence. The law concerned the working classes more especially. He knew as a fact that in a number of instances in manufacturing towns, in which men had been left widowers with a number of children, they were left to bring up their families in a two-roomed house, with no one to assist but the late wife's sister. Their Lordships knew what human nature was, and the temptation was too strong for human nature. The result often was, not marriage, but, what was a great deal worse, concubinage. It was said that women were opposed to these marriages. Living women might be opposed to these marriages, but dying women were in favour of them, and it was they whose voice ought to be consulted. He had received a letter which accurately described the feelings and wishes of many women on their death-beds. The writer said—

> "In the November of 1857 I suffered the loss of my dearest wife, leaving me, a young man—for I am not yet 35—with five infants, the eldest not six, and the youngest only nine months old. Her younger sister had been long residing with us, and on her death-bed she told me that she should die happy in the certainty that her sister would be the future mother of her children, and she begged she would cultivate the friendship of a neighbouring clergyman's wife who stood in the same relationship to his former wife as she wished her sister to stand to her."

People knew very well that these marriages were not forbidden by the law of God, and they knew that no Church presumed to forbid them save the Church of England—they knew also that the House of Lords was the only legislative body in the world that forbade them. If their Lordships believed that these marriages were opposed to the Word of God, they were, of course, justified in prohibiting them; but if they were aware they were not forbidden by God's law, then they should remember that they must take nothing from that Word and add nothing to it.

THE BISHOP OF RIPON said, that as he should probably be, as on a former occasion, the only Prelate who supported this Bill, he wished to explain that it was not from any want of deference to the opinions of those whom he respected that he stood forward to advocate the measure. As long, however, as he had the honour of a seat in that House, he should not shrink from expressing the reasons that governed his votes. The friends of the Bill had gained this advantage during the protracted discussions that had taken place on this question, that they were permitted more and more to see how very little ground there was in Scripture upon which the opponents of this Bill could rest their opposition. They were all agreed that the ultimate appeal on this question must be to the Word of God. If these marriages were really opposed to the voice of Scripture he was persuaded that not one of their Lordships would wish to legalize them. If, on the other hand, the deepest research as to the testimony of Scripture led to the conclusion that the Divine sanction of Scripture might be claimed for these marriages, was it wise, right, or politic for the Legislature of this country to uphold restrictions which were not imposed by the law of Scripture? Their Lordships had heard a great deal in condemnation of the particular mode adopted by the promoters of this Bill to further their object; but what had this to do with the real question at issue? For himself he knew nothing of the secret proceedings to which reference had been made, and had had nothing to do with the agitation. This was a part of the question that he did not care to look at. The only question he had to ask himself was whether it was his duty to vote for or against this Bill. The main objection seemed to rest upon certain supposed social evils which would result were this Bill to be passed into law. For instance, his right rev. Brother who spoke lately (the Bishop of Oxford) imagined that supposing the Bill became the law of the land great difficulties would arise, because no provision was made with regard to other marriages. His right. rev. Brother inquired—"What shall I say to any one who asks me what he is to do if he wishes to contract a certain marriage which is not provided for by this Bill?" He would suggest to his right rev. Brother the reply which he was constantly in the habit of making in such cases—namely, "As long as the law remains as it is, you must respect and obey the law; but if the law is altered, then your position will also be altered." It was somewhat remarkable that those who brought forward as an objection to the Bill the social evils which might result from its passing into law drew entirely upon their own imaginations, and were not supported, as far as he was aware, by any known facts. On the contrary, in the countries where such marriages were legal, these social evils had not arisen. For instance, he would cite the testimony of the Bishop of Ohio, who stated that in his particular diocese these marriages were legal, and he added—"I have not known that any social disadvantages result from them." Why, then, should we imagine that these social evils would arise in this country if the Bill became law? He would venture, however, to ask whether there were no social evils arising from the present state of the law? He held in his hand a letter addressed to him by a gentleman, who signed his name, and who said—

> "A residence of 20 years in what is called 'the black country' has convinced me that the existence of the present law has caused, and is daily causing, a great amount of immorality, inasmuch as hundreds, who cannot afford to be married abroad, are living together as man and wife, without being married at all. It has frequently come within my knowledge, that clergymen in the black country have often given notice to their poor parishioners that they would marry, free of expense, any persons who were cohabiting together; but in the case of any man living with his deceased wife's sister, such clergymen have been compelled by the state of the law to refuse such applications."

From his own experience as a clergyman in large towns, and since his elevation to the Episcopate, he was able to endorse the statement of the noble Baron who introduced the Bill to-night, that the present state of the law was regarded by many as a very grave oppression, and that it was in many instances a fruitful source of immorality. Because he believed that what the Bill proposed to effect would be in perfect harmony with Holy Scripture, that it would remove a grievance which ought not to exist, and that it would take off a restraint upon the liberty of men in that in which they ought to be guided by their own private conscience, he should give his earnest and hearty support to the second reading of the Bill.

THE EARL OF DUDLEY strongly objected to the Bill, because it operated on the face of it as a Bill of Indemnity for those persons who had contracted these marriages in violation of laws both human and divine. If it could be made out that the suffering was among great bodies of men belonging to the working classes and that the interference of Parliament would remove immorality he would not raise his voice against the Bill, because the working classes generally acted on impulse in matters of this kind and were apt to disregard any law. But the offenders against the existing law and who sought to get it changed belonged to those classes of society which knew what law was, and, therefore, in disregarding it their offence was all the more flagrant.

THE LORD CHANCELLOR: My Lords, this is no party question it is, however, a question which affects society in general—not only those who ask for a change of the law for their own particular benefit, but equally those who do not want the law changed. Before I say anything as to that which is the first proposition of the Bill—namely, the expediency of amending the law respecting marriage with a deceased wife's sister—I will follow the example of my noble Friend who has just sat down (the Earl of Dudley), and make some observations on the Bill itself—which a great number of those who have addressed the House have not paid much attention to. The Bill does not attempt to follow out its own principle to its proper limits, or to reconstruct the law of marriage on any consistent or symmetrical grounds; and consequently it will pave the way to further agitations and further changes. I feel bound to say, having regard to the office which I still hold, that I think it is hard to conceive a more dangerous, a more alarming invitation to systematic, deliberate violation of the law than that contained in the first clause of the Bill. See how the matter stands. Down to the passing of Lord Lyndhurst's Act these marriages were, and always had been, illegal—as illegal as they are now—and I am surprised to hear some of the old misconceptions on this point revived by the noble Lord who introduced the Bill. However that may be, after the passing of Lord Lyndhurst's Act all possibility of misconception about this part of the law of marriage was at an end. From that time forward it was known to all men that every such marriage—or rather attempt at marriage, for marriage it is not—was prohibited and was absolutely void. What said the right rev. Prelate who just now so ably addressed your Lordships? He could see no difficulty whatever in the question which appeared so distressing to his right rev. Brother—"What answer am I to give to any woman who, after this Bill is passed, wishes to marry her deceased husband's brother, or to any man who desires to marry his deceased wife's niece?" "Oh," says the right rev. Prelate (the Bishop of Ripon), "there can be no difficulty about the answer. Tell them to obey the law as it stands while it is the law." And yet the same right rev. Prelate is going to vote in favour of a clause which says that no marriage heretofore contracted in violation of the law shall be, or be deemed to have been, void. What will be the value of such admonitions from right rev. Prelates to persons troubled in their consciences, if such persons are told in one breath "you must respect the law while it is the law," and in the next breath the same right rev. Prelates come here and say, "I am prepared to vote in favour of those who have not respected the law, so that every one of these illegal marriages shall be declared good from the beginning." Will not persons be encouraged by such legislation to disobey the law, and get up societies in order to induce the Legislature to sanction further disobedience? Are we to say that a certain amount of perseverance in systematic disobedience to the law shall not merely induce Parliament to alter a law—which may in some instances be right—but to pass a statute of *ex post facto* legalization in favour of the whole body of law-breakers for many years past? To pass such an Act, repealing the law retrospectively in favour of all law-breakers, is really to tell the people "you are under no obligation to obey the laws." But the matter does not stop there. Every clause of the Bill is more and more extravagant as we go forward. What is the next clause? It is felt that if you simply passed an *ex post facto* law legalizing all these marriages, you might be marrying over again people who had contracted such unions, but who had since repented and married somebody else. It is provided, therefore, that the Bill shall not invalidate any legally subsisting marriage in order to restore the former illegal one. But everybody else, who, having repented of breaking the law, and having treated the marriage as void, has separated from the person who never was his wife, shall now be married compulsorily and retrospectively by the Bill to that person. Is that the sort of legislation of which your Lordships will approve? You not only give to the law-breakers themselves everything they ask, but you say that persons who have regretted their disobedience of the law shall be forced back into their original illegal relations. Then another difficulty presented itself to the framers of the Bill. What are we to do with respect to rights of property, vested and expectant? You cannot take away from legitimate children that which by law belongs to them, and give it to their illegitimate brothers and sisters. There may be remainders in expectancy under wills or settlements. The first wife may have left daughters only, who would succeed to a settled real estate in preference to the illegitimate sons of her sister; though, if those sons had been legitimate, they would have had the prior right. Or if the settlement were of personal estate, the first wife's children would take the whole to the entire exclusion of her sister's children, by the law as it stands; but if those children had been legitimate, they would have been entitled to equal shares. Or under such a will or settlement, if the first wife left no child, her sister's children being illegitimate, a cousin, a nephew, or a half-brother may have acquired rights. The Bill therefore says that all existing equitable and contingent rights shall remain the same after the passing of the Bill — in other words, that while for some purposes the children of these marriages will be recognized by the law as such, they will not be so recognized for other purposes. They are to be still illegitimate as regards estates under settlement, but in other cases they are to be legitimate; you establish them in inconsistent relations under the same Bill. I think I have said enough to show that if your Lordships should at any time be persuaded, contrary to my own conviction, that the main principle of the Bill is right, you must set to work to give effect to your wish in a totally different manner from that now proposed. You must not by retrospective legislation try to render legal that which was not and cannot properly be made so. You must consider how far your principle ought to go, and I am sure that if you pass a Bill of this description, you can never stop short of the abolition of all restrictions on marriages of affinity. If so, let the existing prohibitions be removed by an intelligible and consistent measure. Do not let us have piecemeal legislation concerning so important a matter, for the main purpose of giving to persons who have broken the law the same rights and privileges which they would have if they had obeyed the law. I will now, with your Lordships' permission, say something as to the principles involved in this question. I have said that all members of society are interested in it—not only those who have married or are likely to marry their deceased wives' sisters, but those who have not done so, and are not desirous of doing so. Every married man whose wife has sisters has an interest in that condition of society which is produced by the state of law, which makes his wife's sister his "sister-in-law." Our popular expression exactly hits the principle. The law makes the wife's sister his sister, and if you alter the law, the wife's sister, for domestic purposes, will be his sister no longer. Do you want prohibitory laws for any purpose of this kind, or do you not? I think so. It is necessary and important so to fence round the sanctity of the domestic hearth upon the subject of marriage as to make safe and secure, as far as law can do so, the unrestrained and peculiarly affectionate intercourse which ought to exist for the happiness of families between the closest and nearest relations. If the principle be a right one, of course it extends to all the immediate members of one's own family. We know that the brutal passions of some of the lowest order are capable of overleaping even the natural barriers which exist between parent and child—between brother and sister. But as a general rule the repugnance to such unnatural connections may be so great that they would be rare even if no prohibitory laws existed. When, however, you pass from these closest relationships, everybody feels that legal prohibitions are necessary and salutary. The moment you go a little further in the circle of relationship the necessity for prohibitory law becomes stronger; because the more remote the connection—if it is still within the line of unrestrained domestic intimacy—the more important it is to fence it. Take the case of uncle and niece. We know that in some countries dispensations are granted for such marriages; and there, the principle of such unions being admitted, men are not restrained by natural repugnance from forming them. You want a fence in such a case, when the relation is half paternal and filial, and yet not wholly so. You want it peculiarly in all cases of affinity, for the very reason that in those cases the natural repugnance is less strong. But the question is asked, "Do you want the prohibition in cases of affinity at all?" Surely you do. Is not the wife to associate in your home with her sisters on the same footing as before? Is she to be a sister, or is she to be a stranger in her sister's home? Or do you wish that marriage shall make a difference in the position of the wife and her sisters, when she feels that one of them may become the possible wife of her husband? So with regard to the husband's brother. Is he to be only a brother to the wife, or to be looked on as a possible husband to the wife? The truth is, that the husband's and the wife's relations are so united that you cannot make their intercourse really sisterly and brotherly—you cannot make it unrestrained—unless you apply the same rule to both of them. That is the principle on which the law has hitherto proceeded; and I say it is a most wise and salutary law that you should carry the fence as far in favour of the relatives of the wife as of the relatives of the husband, so that the two may be thoroughly identified, and the intercourse which is perfectly unrestrained as to the one, should be equally unrestrained as to the other. Is it possible that a husband should treat a wife's sister as his own sisters if he were allowed to marry them? And would not children suffer as well as husbands and wives? We constantly hear the argument that wives' sisters would prove the best stepmothers the children could have. But how often, if this Bill passed, would motherless children be deprived of the care of an affectionate aunt! They need not be so deprived now, even during the widowhood of the father. Most of us know cases in which the aunt takes care of the children in their father's house, without scruple or reproach. If you pass this law you will deprive them of that care in every case in which the husband is restrained from marrying his deceased wife's sister, or the sister from marrying her brother-in-law—whether by want of inclination or by religious feeling. It is impossible that a woman can occupy the position of a sister and at the same time be by law a marriageable person. Our divorce law sets a special mark of infamy upon the case of adultery with a wife's sister. I should be sorry, whatever the marriage law prescribed, to see it otherwise. These are good, solid reasons, of a social and natural character. Some arguments have been submitted to your Lordships based upon religious considerations. One noble Lord (Viscount Lifford) has sought to establish it as a fundamental principle that we are not to prohibit anything by law which cannot be demonstratively proved to be forbidden by some text of Scripture. I should like to know how the noble Lord who laid down that principle would prove that we have a right to prohibit polygamy? Certainly not from that particular text in Leviticus upon which he relied for his argument, because if that text refers to a natural sister of the wife at all, and if, as the noble Viscount assumes, it implies the lawfulness of that which it does not in terms forbid, the inference is inevitable, that it treats as lawful a man's marriage during his wife's lifetime with any other woman than his wife's sister. Opinions have been forcibly expressed by some in favour of polygamy, and one reverend author, not indeed a Bishop, but the brother of a Bishop, and himself a popular clergyman in the last century, traced many of the present evils which trouble us to its prohibition in this country. When a measure similar to this was before the House of Commons some years ago, I read an extract from *The Times* citing the following passage from *The Chicago Tribune*. Your Lordships will notice the glowing colours in which the writer paints the happy results of the introduction of polygamy into Salt Lake City—

> "But about the practical operation of polygamy, as you call it. That is what you most probably want to know, and I shall enlighten you, from my observations and experience. When I came to Deseret there were not many who were in the enjoyment of more than one wife; and many, or most, of the new comers were opposed to it. But as they saw how beautifully and harmoniously those families lived where there were two or more wives, their prejudices gradually gave way, and among no class was this change more apparent than the women. At the present time, if a vote were taken on the subject, I venture to say that nine out of every ten women who have lived here two years would sustain our present social system in this particular."

I think such a passage as this, if it does nothing else, may help to teach us the value of testimonies to the successful results of such innovations upon the marriage law of Christendom as may have actually been tried in some other countries. I do not want to compare the morality of other countries with the morality of our own. We comforted ourselves with the belief that respect for the sanctity of marriage stood high in this country until the Divorce Court was established. We cannot speak quite so complacently now, but marriage is still held among us to be holy and honourable—all men spoke well of it, or the few who would speak otherwise, dare not lift their heads or utter their opinions with a loud voice. How is it that marriage in some other countries is less respected? Is it not true that the institution of marriage is there canvassed in a manner calculated to disturb men's respect? Do we not know that the facilities for divorce in those countries depreciate the estimation in which the marriage vow is held? Even in the United States veneration for the marriage tie is not quite so universal as one might wish to see it throughout all classes. Returning to the religious argument, I entirely demur to the demand that we should demonstrate from the letter of the Scriptures, that the law of marriage existing in this country is the Written Law. I believe that we can, and that we do collect from Scripture the principle on which our present marriage law is founded, and the proper limits to which its prohibitions do and ought to extend; but I think that this is not a fitting assembly wherein to enter upon that line of argument, for there are persons—happily not in this House, but outside—who would decline to argue the question on that ground, refusing to admit the authority, perhaps of religion, perhaps of the Scriptures, and at all events of the Old Testament; it would raise a number of theological questions which could not be discussed here. But if we are to prohibit only such marriages as are prohibited by the dry letter of the Old Testament, we must repeal the prohibition in the case of 13 degrees prohibited by our law and not prohibited by the letter of Leviticus; and, on the other hand, if you endeavour to arrive at the principle contained in that chapter in Leviticus, and lay down a marriage law in accordance with that principle, you will arrive at our present marriage law. There is one other very important point. We have been told that this is a poor man's question, and that the poor ask for this amendment of the law. My experience and information do not support this. In 1859 I received, through an eminent Prelate, a number of letters, which I have in my hand, from clergymen who had laboured many years in some of the largest and poorest centres of population. These clergymen stated, that in their experience the poor did not generally approve these marriages, and that they prevailed less among the poor than among persons of a higher class. One of those to whom I allude is Dr. M'Neile, the present Dean of Ripon, for many years a well-known clergyman of Liverpool; another is Canon Stowell, for several years a leading clergyman of Manchester; another is the Rev. Mr. Auriol, of St. Dunstan's; another is the Rev. Mr. Rowsell; and one is a Scripture reader, who laboured among the poor for a great number of years, and a letter from whom I will read to your Lordships. To the same effect is the testimony of a right rev. Friend of mine, the Bishop of Rochester, at that time rector of Kidderminster. The Scripture reader of whom I have spoken, writing on the 26th of April, 1861, says—

> "Being in daily and constant association with the labouring and poorer classes; as one living among them, and being in their homes in the most poverty-stricken neighbourhoods; intimately knowing hundreds of the families of the superior working men, and also of those in the deepest poverty; being in the habit for years past of daily teaching many of the children of the very poor, and also being gratuitously occupied, and counting it a great privilege in reading. . . . every Sunday to upwards of 200 men of the labouring class, I know from my own observations and conversations I have had with many on the subject of the proposed Bill that the marriage with the deceased wife's sister is not approved, and is very rarely to be met with among them."

My noble and learned Friend (Lord Hatherley), having taken great pains to ascertain the facts among the poor of Westminster, bore the same testimony. If we were to bring together all the aberrations of our law in matters relating to the connection of the sexes we should no doubt have a very alarming and very lamentable catalogue of evils; but does anyone suppose that by adapting our law to such a state of things we should not produce a greater amount of mischief? For these reasons, my Lords, I earnestly entreat you not to assent to the second reading of this Bill.

THE EARL OF KIMBERLEY said, after the elaborate arguments which their Lordships had heard against the Bill, it was incumbent on some one who supported it to say a few words. His noble and learned Friend on the Woolsack had based much of his argument on the difficulties that would arise from an alteration of the law. His (the Earl of Kimberley's) answer was, that no alteration could be made in the marriage law which would not give occasion to difficulties; and that the objections of his noble and learned Friend were such as could be easily met in Committee, and furnished no ground for refusing to read the Bill a second time. The right rev. Prelate (the Bishop of Oxford), who had spoken for the symmetry of the existing law, and declared that he would uphold that symmetry, and that he cared nothing for the feelings, the passions, or the affections of those who were concerned in this matter; all that he looked to was the question of pure logic. But it had never been the custom in this country to legislate on a principle so absolutely unsound and altogether dangerous, as that of disregarding the feelings, wishes, and passions of the people—and especially in a question of this nature. His noble and learned Friend on the Woolsack had said that we must fence round the sister of the wife with this prohibition, and then went into an elaborate expression of admiration for it. But he (the Earl of Kimberley) had no such admiration for prohibitions. His noble and learned Friend had signally failed in proving that the prohibition did fence round the family circle. The fact was that the sister-in-law could never be regarded in the same light as the blood sister. He did not wish to detain their Lordships by many remarks, as his object in rising was merely to show that there were some who still adhered, as he did, strongly to his opinions in favour of the Bill, and he hoped that their Lordships would give it a second reading.

On Question, That "now" stand part of the Motion? their Lordships *divided*:—Contents 49; Not-Contents 74: Majority 25.

Resolved in the *Negative*.

Bill to be read 2^{a} *this day six months*.

CONTENTS.

Beaufort, D.
Bedford, D.
Cleveland, D.
Saint Albans, D.

Queensberry, M.
Westminster, M.

Aylesford, E.
De La Warr, E.
Fitzwilliam, E.
Granville, E.
Grey, E.
Harrington, E.
Innes, E. (*D. Roxburghe.*)
Kimberley, E.
Minto, E.
Orford, E.

Bolingbroke and St. John, V.
Exmouth, V.
Halifax, V.
Lifford, V.

Ripon, Bp.
Worcester, Bp.

Acton, L.
Auckland, L.
Balinhard, L. (*E. Southesk.*)
Belper, L.
Calthorpe, L.
Camoys, L.
Dormer, L.
Ebury, L.
Gage, L. (*V. Gage.*)
Hanmer, L.
Houghton, L. [*Teller.*]
Hylton, L.
Keane, L.
Lawrence, L.
Leigh, L.
Monson, L.
Overstone, L.
Ponsonby, L. (*E. Bessborough.*) [*Teller.*]
Robartes, L.
Romilly, L.
Rosebery, L. (*E. Rosebery.*)
Seaton, L.
Sheffield, L. (*E. Sheffield.*)
Stanley of Alderley, L.
Teynham, L.
Tyrone, L. (*M. Waterford.*)
Vaux of Harrowden, L.

NOT-CONTENTS.

Selborne, L. (*L. Chancellor.*)

Buckingham and Chandos, D.
Richmond, D.
Rutland, D.

Bath, M. [*Teller.*]
Bristol, M.
Bute, M.
Exeter, M.
Salisbury, M.
Winchester, M.

Amherst, E.
Beauchamp, E. [*Teller.*]
Bradford, E.
Devon, E.
Dudley, E.
Eldon, E.
Erne, E.
Howe, E.
Lanesborough, E.
Lauderdale, E.
Nelson, E.
Powis, E.
Romney, E.
Strathmore and Kinghorn, E.
Waldegrave, E.

De Vesci, V.
Hardinge, V.
Hawarden, V.

Chester, Bp.
Chichester, Bp.
Ely, Bp.
Lichfield, Bp.
London, Bp.
Norwich, Bp.
Oxford, Bp.
Peterborough, Bp.
Rochester, Bp.
Salisbury, Bp.

Bagot, L.
Blachford, L.
Boston, L.
Braybrooke, L.
Buckhurst, L.
Chelmsford, L.
Clinton, L.
Colchester, L.
Colonsay, L.
Congleton, L.
Crewe, L.
Delamere, L.
Denman, L.
Digby, L.
Egerton, L.
Eliot, L.
Ellenborough, L.
Ettrick, L. (*L. Napier.*)
Fitzwalter, L.
Foxford, L. (*E. Limerick.*)
Gifford, L.
Hatherley, L.
Hawke, L.
Heytesbury, L.
Ker, L. (*M. Lothian.*)
Kesteven, L.
Monteagle of Brandon, L.
Northwick, L.
Redesdale, L.
Saltersford, L. (*E. Courtown.*)
Saltoun, L.
Scarsdale, L.
Sherborne, L.
Silchester, L. (*E. Longford.*)
Stratheden, L.
Wynford, L.

House adjourned at a quarter before Nine o'clock, 'till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 13*th March*, 1873.

RESIGNATION OF MINISTERS.

MINISTERIAL STATEMENT.

Mr. GLADSTONE: I have to announce, Sir, to the House that, in consequence of the division which took place at an early hour yesterday morning, Her Majesty's Ministers have thought it their duty respectfully to tender to Her Majesty the resignation of the offices which they hold. Her Majesty has been graciously pleased to accept those resignations. Under those circumstances, the House will, I think, feel, in conformity with its usual practice, that my duty will best be discharged by proposing to the House that they should adjourn for a few days to give time for the necessary arrangements. I will therefore, Sir, submit a Motion, that this House at its rising do adjourn till Monday next; but if when Monday shall have arrived it should appear that the public interests require it, I shall not at all scruple to trespass upon its patience by then asking for a further adjournment.

Mr. CRAWFORD: The House is aware that I have a Notice of Motion standing for to-day, in which great interest is taken—namely, the Motion relating to Emanuel Hospital; and it is also aware that if that Motion is not submitted this evening I shall lose the opportunity of taking the opinion of the House upon the scheme of the Endowed Schools Commissioners for the management of Emanuel Hospital, within the time prescribed by law. Under these circumstances I expect my right hon. Friend below me, when he moves the adjournment of the House at its rising, to inform the House whether it is his intention to submit any proposal for the purpose of relieving me and others from the dilemma in which we shall be placed if the Motion with regard to Emanuel Hospital be not proceeded with this evening. My right hon. Friend gave me a distinct assurance on Tuesday afternoon, when I waived my opportunity of then submitting my Motion to the House, that if any circumstances should arise to prevent my bringing forward that Motion this evening he would take care that the position of the question was in no way damnified. I have come down to the House fully prepared to submit my Motion to the consideration of the House. It will be, I think, for the House itself to determine whether they will be pleased to entertain my Motion and come to a decision upon it, unless my right hon. Friend should be prepared on the part of the Government to announce any other mode of relieving me from the difficulty in which I am placed.

Mr. W. E. FORSTER: My hon. Friend is perfectly right in saying that my right hon. Friend informed him that, in consideration of his kindly waiving his right to bring forward his Motion with regard to Emanuel Hospital last Tuesday, we would undertake, even if it were difficult or inexpedient for that Motion to come on to-day, that he should not thereby be put in a worse position. It is quite true that the 40 days contemplated by the Act for an Address by either House of Parliament expire next Monday; and therefore it would be incumbent upon us either to proceed with the consideration of the question this evening, or to take steps by which it could fairly be brought before the House in time for its opinion to be expressed before Her Majesty was asked to give Her gracious consent. I think it would be unadvisable, both on account of previous precedents, and perhaps from the disposition of both sides of the House, to enter into the question to-day, and I am prepared at once to give Notice of a Bill to enlarge the 40 days to four months, which would give plenty of time to bring forward the Motion. The hon. Member for Suffolk (Mr. Corrance) has also given Notice of an Address with regard to a very small endowment of a school at Barking—but not on that account an unimportant one, and I should propose to include that endowment also in the Schedule of this short Bill. I therefore beg to give Notice, that I shall on Monday ask for leave to introduce this Bill, and as it will be of a formal nature, I think I may rely upon the House supporting me in carrying it quickly through.

Colonel WILSON-PATTEN: I would suggest to the right hon. Gentleman that, perhaps, it might be convenient to include all the schemes.

Mr. W. E. FORSTER said, the Bill would apply to those schemes with respect to which Notice of Motion for an Address had been given—that was to say, not only Emanuel Hospital, but two or three charities, and the School at Barking.

Mr. OSBORNE: I believe, Sir, I am in order in speaking to the Motion for Adjournment; and at so interesting a crisis as this, I do not propose to enter into any question of Emanuel College. But, Sir, I cannot help thinking that the few words of information which have been afforded to the House by the right hon. Gentleman—I suppose I may say "late at the head of Her Majesty's Government"—are so scant, that I think the House would be inclined to hear—the resignation having been received, as we understand, by Her Majesty—whom the right hon. Gentleman has recommended Her Majesty to entrust with the formation of a new Government. Now, Sir, we are, according to my Parliamentary experience, in an unexampled situation. We have heard that the Ministry have resigned, and I must say that I think they have run the ship aground from a most disastrous and wanton want of seamanlike knowledge; and I should like to know to whom the destinies of this country are now to be consigned—whether this is to be a question of real resignation, or whether we are to hear on Monday the old words again, "As you were." In my opinion, the right hon. Gentleman is bound to tell the House and the country whom he has recommended to Her Majesty.

Mr. COLLINS: I wish to call back the attention of the House to Emanuel Hospital—I hold the course now proposed to be taken in regard to that endowment to be unconstitutional. Either House of Parliament has the power, by means of an Address to the Crown, of disallowing the scheme of the Commissioners, but if you proceed by Bill in the matter we have no knowledge that the other House will pass that Bill, and we shall be placing the House of Commons in a worse position than it was in before. The question will then require the assent of both Houses, and we are asked to make concessions upon this question which would be an unconstitutional proceeding, because by it the other House might prevent any action being taken by ourselves.

Mr. GLADSTONE: I should not like, Sir, to pass by the Question of my hon. Friend the Member for Waterford (Mr. Osborne), with any appearance of failure in respect to him or any hon. Member of the House who may sympathize with him; but I beg to point out that I have given an account of an important transaction in which we, the existing Government, have, as a Government, been concerned, and my account, brief as it was, has been a complete account. That transaction is accomplished, and if there be further inquiries made, or further questions raised, those inquiries and questions will appertain to a new chapter of Parliamentary history—namely, the chapter of the arrangements which follow upon the resignation of the Government that has held office since 1868.

Motion *agreed to.*

House at rising to adjourn till *Monday* next.

Motion made, and Question proposed, "That this House do now adjourn."—(*Mr. Gladstone.*)

Mr. GILPIN: Sir, before the announcement which we have all heard was made from the Treasury bench by the right hon. Gentleman, I had placed a Notice upon the Table of the House which would appear now to be somewhat out of place; but, in speaking to the Motion for Adjournment, as a supporter of the Government, I think it right to say that that Notice of Motion has received the assent of a large number of Gentlemen on this side of the House; and I shall take the liberty of reading it to the House as the Motion which I may yet submit—

> "That the Vote of the House of Wednesday morning rejecting the Irish University Bill was not, and was not intended to be, a declaration or expression by the House of Want of Confidence in Her Majesty's Government, and that this House takes the earliest opportunity of expressing its confidence in the general policy of Her Majesty's Government."

Mr. HUNT: I hope I may be allowed to intervene for one moment for the purpose of calling the attention of the House to the question of the Committees now sitting upon Private Bills. One of those Committees, of which I have the honour to be Chairman, is engaged in an inquiry as to the merits of a Bill respecting Scotland. It is important to all parties concerned that this Committee should continue sitting without interruption. Under such circumstances, I shall now move that the Committees have leave to sit, notwithstanding the adjournment of the House until Monday, if the right hon. Gentleman will afford me the opportunity of doing so, by withdrawing his Motion for the present.

MR. GLADSTONE: Then I withdraw my Motion.

Motion, by leave, *withdrawn.*

MR. HUNT: I now, Sir, move that the Committees on Private Bills have leave to sit, notwithstanding the adjournment of the House until Monday.

MR. W. E. FORSTER: In reference to the Motion that the Committees have leave to sit, I rather think—I may, however, be wrong—that, except as regards Private Bills, it is not in accordance with usage. I am in the Chair of two Committees, and I can, with certainty, speak of one of them, that we shall be consulting the convenience of the Members generally if we do not ask them to sit during the adjournment—although, no doubt, it would be a convenience to all those persons immediately concerned who have to come from a long distance if the Committees were to continue sitting.

MR. CAWLEY apprehended that many of the Committees which had sat that day would require to sit on Friday.

Ordered, That all Committees have leave to sit, notwithstanding the adjournment of the House.—(*Mr. Gladstone.*)

MR. GLADSTONE: I beg to move that this House do now adjourn.

MR. DILLWYN said, he should like to commit, *pro formâ,* the Salmon Fisheries Bill, in which some interest was taken, for the purpose of inserting certain Amendments. He moved that the Bill be committed *pro formâ.*

MR. SPEAKER: The question before the House is "That the House do now adjourn." The hon. Member cannot interfere with his Motion.

Motion *agreed to.*

House adjourned at a quarter
before Five o'clock, 'till
Monday next.

HOUSE OF LORDS,

Friday, 14th March, 1873.

Their Lordships met;—and having gone through the Business on the Paper, without debate—

House adjourned at Four o'clock, to
Monday next, Eleven o'clock.

HOUSE OF LORDS,

Monday, 17th March, 1873.

MINUTES.]—PUBLIC BILL—*Report*—Victoria Embankment (Somerset House) * (28).

RESIGNATION OF MINISTERS.

MINISTERIAL STATEMENT.

EARL GRANVILLE: My Lords, on Thursday last your Lordships were good enough to adjourn this House for legislative business until to-day, in consequence of my having stated that, as the result of the vote of the previous morning, Mr. Gladstone and his Colleagues had respectfully offered their resignations to the Queen, and that her Majesty had been graciously pleased to accept them. On that afternoon the Queen sent for Mr. Disraeli; and the result of the communications between Her Majesty and Mr. Disraeli and Mr. Gladstone was, that yesterday evening Mr. Gladstone sent a communication to his former Colleagues with a view to their return to office. I therefore propose that your Lordships should adjourn again, to next Thursday, when I shall probably be in a position to give a more detailed explanation; and I trust your Lordships will abstain from coming to any conclusion as to what has occurred until you have heard that more detailed explanation.

Moved, "That the House at its rising do adjourn to *Thursday* next."—(*The Earl Granville.*)

THE DUKE OF RICHMOND: My Lords, I concur in the proposal of the noble Earl that this House should adjourn till Thursday; and I think your Lordships will feel that, under existing circumstances, I shall do well to abstain from saying anything with reference to the subject-matter on which the noble

Earl has touched. My right hon. Friend (Mr. Disraeli) will be prepared at the proper time, and in the proper place, to state the course which he has pursued.

In reply to LORD CHELMSFORD,

EARL GRANVILLE said, he proposed that the House should not sit for legislative business until Thursday; but, of course, it would meet in the mean time for judicial business.

LORD BUCKHURST said, as their Lordships had probably observed, it would not be competent to their Lordships under the existing law to deal with the scheme of the Endowed School Commissioners in respect of Emanuel Hospital, the time for interference having expired that day. He wished to ask what course it was proposed to pursue with regard to that and other schemes of the School Commissioners which were then upon their Lordships' Table.

EARL GRANVILLE said, his right hon. Friend, the Vice President of the Council, had given Notice of his intention to introduce in the other House of Parliament a Bill to extend the time within which it was provided by the Endowed Schools Act 1869, that either House might present an Address against any scheme of Commissioners, which was now limited to 40 days, to four months in respect of certain schools, the schemes for which had been already laid before both Houses. These were the Emanuel Hospital, Westminster; Palmer's Almshouses, Westminster; Emery Hill's Almshouses, Westminster; and Theobald's School, Needham Market, Norfolk. As the 40 days had actually expired, the Bill was so far retrospective.

LORD LYTTELTON said, he did not rise to make any objection to the proposal to defer the time for objecting to these schemes; but as the Motion of the noble Lord (Lord Buckhurst) in reference to Emanuel Hospital would also be postponed, he hoped their Lordships would also suspend their judgments with reference to certain printed circulars which had been sent to every Member of their Lordships' House except himself. Although these papers emanated from the Corporation of London he would undertake to say they were, and always had been, and would continue to be—no doubt unintentionally—full of inaccuracies. He hoped, therefore, their Lordships would not think them necessarily true, because they were issued from the Corporation and were signed by the City Solicitor.

Motion *agreed to.*

House adjourned at a quarter past Five o'clock, 'till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 17th March, 1873.

MINUTES.]—PUBLIC BILL—*Referred to Select Committee*—Portpatrick Harbour* [61].

RESIGNATION OF MINISTERS.

MINISTERIAL STATEMENT.

MR. GLADSTONE: Mr. Speaker, I have to inform the House that last evening, while passing Sunday in the country, I received a communication from Her Majesty to an effect which led me finally to abandon any expectation I may have had that, upon the present occasion, the party in Opposition would construct a Government to carry on the affairs of the country. At the same time, in reply to an inquiry from Her Majesty, I at once stated that I placed any services I could render at Her Majesty's disposal, and that I would take steps forthwith to proceed to consider, together with those who have been my Colleagues in the Cabinet, how far they were disposed to resume their offices, and at the same time to consider the state of public affairs and the business of this House after the events of last week. In the performance of this service I am at present engaged, and I trust the House will be disposed, therefore, to grant a short further adjournment. I propose that this adjournment shall be until Thursday next, in order that I may have time to acquit myself of the duty I have undertaken. I shall, therefore, with permission, move that the House at its rising do adjourn till Thursday next. With reference to the state of business immediately impending, I may say that there are several measures now upon the list for Thursday which are not of a political but are rather of a practical character, and with which, in case the Government should be successfully reconstituted at that time, it would probably be the desire of the House to proceed in order to avoid any unnecessary loss of time. These measures will stand upon the Paper, and hon. Members will have an opportunity of judging for themselves. I am sanguine in the belief that they will agree with me that they are such as the House will be disposed to facilitate in the events to which I refer. The first of them would be the Register for Parliamentary and Municipal Electors Bill, and the second would be the Railways and Canal Traffic Bill. Then there is an engagement into which I entered at the commencement of last week with several hon. Members, particularly with the hon. Member for Warwickshire (Mr. Newdegate) and the hon. Member for West Norfolk (Mr. Bentinck), with regard to Motions of theirs which would, in the regular course, have stood on the Paper for discussion, together with the Motion of my hon. Friend the Member for London (Mr. Crawford), on Thursday last. The Motion of my hon. Friend is out of the question for the moment on account of the lapse of time within which he could make it; but we have a Bill coming before the House to enlarge the time and restore my hon. Friend to his original position and capacity for making that Motion. With regard to the two other hon. Members, if they are desirous to proceed with their Motions, and will communicate with us, we will endeavour to make a reasonable and convenient arrangement for that purpose. I now beg to move, Sir, that this House at its rising do adjourn till Thursday.

MR. DISRAELI: Mr. Speaker, after the statement of the right hon. Gentleman, though it might naturally be supposed that it would be agreeable to me to enter on explanations of my conduct with reference to recent events, I feel it my duty to sacrifice immediately any personal wish of this kind to what I believe is for the public advantage. Therefore I shall be silent. But I desire to make one remark upon an observation which has fallen from the right hon. Gentleman which might otherwise be liable to misconstruction. As I understood, the right hon. Gentleman referred to negotiations which were carried on with the Conservative party, as having terminated only yesterday. Now, I beg to state in a distinct manner that on Thursday last, when about to enter this House, I received Her Majesty's commands to attend upon Her Majesty. Having immediately obeyed, Her Majesty did me the honour of consulting me upon the subject of the Ministerial difficulty which had arisen. Her Majesty inquired of me whether I was prepared to form a Government. I then informed Her Majesty distinctly and decidedly, that I was quite prepared to form an Administration, which I believed would conduct Her Majesty's affairs efficiently and in a manner entitled to Her Majesty's confidence; but that I could not undertake to conduct the Government of the country in the present House of Commons. That was the information I gave distinctly and clearly to Her Majesty, and from the position I then took up, I have never for a moment faltered.

MR. GLADSTONE: I wish to make no comment upon the statement of the right hon. Gentleman, but simply to say that in the few words I have just uttered I made reference to the proceedings that took place between Thursday last—the day of our resignation—and Sunday, simply for the purpose of stating that it was on Sunday last I received a communication from Her Majesty which led me to abandon the expectation that a Government would be formed by the right hon. Gentleman or his Friends opposite.

MR. CRAWFORD asked the Vice President of the Council, whether he was prepared to take immediate steps to place him (Mr. Crawford) in a favourable position with regard to his Motion on the subject of Emanuel Hospital?

MR. W. E. FORSTER: In answer to my hon. Friend, I beg to assure him that Her Majesty's Government will certainly adhere to the understanding they have arrived at in respect to my hon. Friend's Motion—namely, that he will be placed in the position in which he was last Tuesday, so far as that he will be enabled to take the opinion of the House in regard to the Emanuel Hospital scheme, and the schemes connected therewith. I intended to bring in the Bill this evening to enlarge the time from 40 days to four months. I find, however, I shall be unable to do so on account of the Adjournment of the House; but I shall be able to do so on

Thursday next, and no step will be taken by the Government to prevent my hon. Friend doing so.

Motion *agreed to.*

House at rising to adjourn till *Thursday.*

Mr. GLADSTONE: I now move, Sir, that the Committees have leave to sit notwithstanding the adjournment of the House.

Motion *agreed to.*

Ordered, That all Committees have leave to sit, notwithstanding the adjournment of the House.

Mr. GLADSTONE: I move that the House do now adjourn.

Motion *agreed to.*

House adjourned at a quarter before Five o'clock till Thursday.

* * *

HOUSE OF LORDS,

Tuesday, 18*th March,* 1873.

Their Lordships met;—and having gone through the Business on the Paper, without debate—

House adjourned at Four o'clock, to Thursday next, half past Ten o'clock.

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HOUSE OF LORDS,

Thursday, 20*th March,* 1873.

MINUTES.]—*Sat First in Parliament*—The Lord Harris, after the death of his father.

RESIGNATION OF MINISTERS.

MINISTERIAL EXPLANATION.

Earl GRANVILLE: My Lords, I have to state to your Lordships, in addition to what I said on two previous occasions, that Mr. Gladstone and his Colleagues—having ascertained that Mr. Disraeli, although he felt himself able to form an efficient Government and one likely to command the confidence of Her Majesty, could not undertake to do so in the present Parliament; and having further ascertained that it was not Mr. Disraeli's intention to advise Her Majesty to dissolve Parliament—have carefully considered what it was their duty to do under these circumstances; and they have felt that there was no alternative open to them but to resume their offices. They will accordingly do so with every desire to perform their duty to the country, and in the hope that they will receive the support of Parliament.

The Duke of RICHMOND: My Lords, I wish to say a few words on the subject which the noble Earl has now brought under the notice of the House—namely, the resumption of office by Mr. Gladstone and his Colleagues in the Government. The noble Earl has correctly stated what took place on Thursday evening. Her Majesty wrote to Mr. Disraeli a letter informing him that Mr. Gladstone, in consequence of the Vote previously come to, had tendered his resignation and that of his Colleagues, and that Her Majesty had accepted those resignations; and, asking Mr. Disraeli whether he would undertake to form a Government. Her Majesty requested him to attend at Buckingham Palace that evening at 6 o'clock. Mr. Disraeli according waited on the Queen, and informed Her Majesty that, while he was ready to undertake to form a Government which should efficiently carry on the affairs of the country, and which he felt would deserve the confidence of Her Majesty, he was not prepared to do so in the present House of Commons. Her Majesty, acting as she always does on occasions of a similar character, made no obstacle whatever in the event of Mr. Disraeli wishing to advise Her Majesty to dissolve the present Parliament. But it must be perfectly obvious to all who look into this question that a dissolution of Parliament, such as that which Her Majesty would have undertaken, had Mr. Disraeli recommended it, would not have met the difficulty of the case in any way whatever. The state of Business in the other House is such that it would be quite impossible that the present Parliament could be dissolved before that period at which Parliament usually separates at the end of the Session. Measures of great importance would have had to be considered by Mr. Disraeli's Government; and they would have been exposed during the remainder of the Session to adverse Votes from various sections of the House of Commons; and they would have been liable to be placed in minorities on various questions which might be brought forward by the Liberal side of the House. Your Lordships will, I think, agree with me that for Mr. Disraeli to undertake the Government under such a condition of things would be detrimental to the Executive, prejudicial to the administration of affairs, and, I think, injurious to the Crown of this country. My Lords, such being the case, Mr. Disraeli respectfully declined to form a Government. I have heard it stated—my noble Friend (Earl Granville) has not asserted it now—but I have heard it stated—that unless Mr. Disraeli had been prepared to form an Administration he should not have put Her Majesty's Government in a minority on the Vote which was taken 10 days ago. To those who have advanced that proposition I venture to answer that the Vote come to on a recent occasion was the result of no combination whatever. At a very early stage of the debate Sir Michael Hicks-Beach distinctly stated the views of the party of which Mr. Disraeli is the Leader and their intention to vote against the Bill. Only at a late period of the debate was it known that any great body of Gentlemen representing Irish constituencies were likely to vote with the Opposition and so put Her Majesty's Government in a minority. For that, therefore, the party of which Mr. Disraeli is the head were in no way responsible. They felt bound to vote against a measure which in their consciences they believed would be very injurious to Ireland and to this country as well. My Lords, the theory that the party of which Mr. Disraeli is the head ought to carry on the Government even though they are in a minority is one of a very peculiar character; for it is perfectly evident that if it were carried out to its fullest extent the administration of public affairs in this country must come to a dead lock. I believe Mr. Disraeli has adopted the course which he ought to have taken, and that in future it will be said that the position he now occupies sheds additional lustre on his name as one of the greatest statesmen of the day.

EARL GRANVILLE: My Lords, I may perhaps be allowed to observe that in consequence of the statement of my noble Friend (the Duke of Richmond) the other evening, that Mr. Disraeli would explain in the other House the communications which had taken place with Her Majesty, we thought it would be better that the public should know from Mr. Gladstone the exact details of what had occurred; and I therefore refrained from entering into the matter. With regard to the argument which my noble Friend has thought right to put forward, I am not aware that anyone has ever held the doctrine that no Opposition is at any time to put a Government in a minority unless it is prepared to undertake the Government. The question may have been raised whether the Ministry, having been put in a minority, and great pains having been taken to effect that result, it is not in accordance with all former precedents that some attempts should be made and some time taken by the Opposition with the view of forming a Government.

PALACE OF WESTMINSTER—THE HOUSE OF COMMONS—THE PEERS GALLERY.—OBSERVATIONS.

THE EARL OF MALMESBURY wished to call the attention of his noble Friend the Secretary of State for Foreign Affairs to a matter which interested most of their Lordships. There was a very general interest just at present with regard to what was going on in the House of Commons, and very many of their Lordships were desirous of availing themselves of the privilege which the Commons allowed them of being present at their debates. But on several occasions recently, and especially that afternoon, several of their Lordships were unable to find a place in the gallery of the House of Commons: the place which that House was kind enough to set apart for Peers being fully occupied by foreigners and other gentlemen who were not Peers. Their Lordships regarded the privilege of entering the House of Commons to hear the debates as a great one; and he thought it would be well if the Government endeavoured to come to some understanding with the authorities of that House in order that Peers might not meet with the obstacles to admission which they had been obliged to encounter for the last two or three years.

EARL GRANVILLE said, he need scarcely assure his noble Friend that he would be most anxious to in any way promote the convenience of their Lordships with regard to accommodation in the House of Commons; but at the time all the seats under the gallery except the back row were being taken into the House itself for the accommodation of the Members themselves, he had a conversation with the late Speaker on the subject. He told Lord Ossington that he did not think the accommodation for Peers would be sufficient; but Lord Ossington replied that it was sufficiently liberal as compared with that provided in their Lordships' House for the Members of the House of Commons. He was not convinced by that reply; but, as their Lordships knew, he had no power in the matter. He would, however, communicate on the subject with the present Speaker.

Lord HOUGHTON said, that the want of seats for Peers under the gallery in the House of Commons often proved a serious inconvenience. It was now almost impossible for Peers to communicate with Members of the House of Commons during the progress of business in that House.

The Duke of RICHMOND remarked that his noble Friend the Foreign Secretary had not touched on one of the points raised by his other noble Friend—namely, that the seats at present appropriated for Peers and the sons of Peers were taken up by gentlemen who were not Peers or the sons of Peers.

The Duke of CLEVELAND said, he thought it would be very unfortunate and very uncourteous to exclude foreigners and say they had no right to be admitted to the seats assigned for the accommodation of distinguished strangers. In other countries much courtesy was shown to foreigners who wished to be present at the debates of Legislative Assemblies. In all foreign Assemblies accommodation was provided for the *Corps Diplomatique*. The *Corps Diplomatique* was a very numerous body, and all the members of it could not be accommodated in the galleries of either House; but it would be very unfortunate not to find seats for some of them.

The Earl of MALMESBURY said, he had no desire that the *Corps Diplomatique* should be excluded from either House, or that every courtesy should not be shown to strangers. When he said "foreigners and other gentlemen," he was referring to persons who occupied seats which were supposed to be appropriated to Peers. All he desired was to have the Peers accommodated in the seats set apart for Peers.

Earl GRANVILLE said, the centre bench in the front of the gallery over the clock was set apart for the Royal Family and Foreign Ministers.

The Marquess of SALISBURY said, that the real difficulty was the question of economy. The fact was that the House of Commons was very much too small for its own Members, and that Assembly was therefore niggardly to those who wished to attend its proceedings. Until they were prepared to spend more money for their own accommodation, they were not likely to do so for the accommodation of others.

Earl GRANVILLE did not think that motives of economy prevailed in the matter; but rather a feeling that it was not desirable to have too large a House.

House adjourned at half past Five o'clock, 'till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 20th March, 1873.

MINUTES.]—New Writ Issued—*For* Tyrone County, *v.* the Right hon. Henry Thomas Lowry Corry, deceased.

Public Bills — *Second Reading* — Register for Parliamentary and Municipal Electors * [66].

Second Reading—Referred to Select Committee—Thames Embankment (Land) * [65].

Committee—Juries * [35]—R.P.

Committee—Report—Salmon Fisheries Commissioners * [85]; Fires * [31]; Public Worship Facilities * [27].

Report—Union of Benefices * [28-92].

RESIGNATION OF MINISTERS.

MINISTERIAL EXPLANATION.

Mr. GLADSTONE: Mr. Speaker—I am now able to acquaint the House that I and those who were my Colleagues in the Cabinet until the vote of Wednesday morning last have consented, and have received Her Majesty's gracious permission, to resume the administration of the offices which they respectively held, and that we are prepared to carry on the work of the Government as before. But, Sir, a desire was naturally felt and expressed in many quarters, after the very succinct statements which were made to the House by myself, and subsequently by the right hon. Gentleman opposite, for some further information as to the manner in which the time was occupied between Thursday afternoon in last week, when the right hon. Gentleman, as he has stated, declined to undertake the formation of a Government, and Sunday evening, when I felt it my duty to place any services I could render at the disposal of Her Majesty. I will endeavour, very succinctly, but, I hope, very clearly, to explain both the facts and the causes connected with that lapse of time. On Friday morning I had the honour to receive from Her Majesty, in writing, the reply which had been submitted to Her Majesty by the right hon. Gentleman; and Her Majesty was pleased to ask for my advice thereupon. On examination of that reply, I doubted whether I could collect its effect with all the precision which was obviously requisite before I could proceed to tender advice to Her Majesty founded upon it. I therefore answered Her Majesty's reference to the effect that I did not feel quite certain as to the purport of that reply. On Friday evening I received a communication from Her Majesty, which, as I stated on Monday, completely put an end to any doubt I might have entertained, and satisfied me that that reply was an unconditional refusal on the part of the right hon. Gentleman to take office. Thereupon, I thought it my duty to submit a statement to Her Majesty, the nature of which I will presently explain. That statement I prepared on Friday evening, and sent to Her Majesty on Saturday, and it was made known by Her Majesty to the right hon. Gentleman opposite. Her Majesty received the reply of the right hon. Gentleman at Windsor early in the evening of Sunday, and at 10 o'clock on the same evening, Her Majesty transmitted to me that reply, together with Her Majesty's inquiry, whether I was prepared to resume my office in the Government. Having read the reply, I believed its nature to be perfectly unequivocal. It removed from my mind the last vestige of expectation I had entertained that a Government might be formed by the efforts of the party opposite; and therefore, without any delay whatever, on the same evening, I returned an answer to Her Majesty to the effect that I would endeavour to arrange for the re-construction or the resumption of office by the Government which had previously served Her Majesty. That task I undertook on Monday, and it has now been completed. I have given thus far merely what I may term the chronology of the case. I have stated that, on learning that the reply tendered by the right hon. Gentleman on Thursday amounted to an unconditional negative, I felt it my duty to prepare and submit to Her Majesty a statement upon that subject. There was a difference of opinion, in truth, between the right hon. Gentleman and myself as to the precise measure of what might be expected from a party in Opposition under the circumstances in which the overthrow of the Government had occurred. I do not consider that I am here to assert the correctness of my own view of the case or to enter into any discussion whatever with regard to it. It may be a perfectly proper and legitimate subject for the consideration of Parliament should Parliament be disposed to take it into consideration. But my duty on the present occasion is simply historical, and I do not wish, so far as it depends upon me, to say anything which can by possibility lead to controversy on this occasion. I will, therefore, state the opinion I entertain, which differs from the opinion of the right hon. Gentleman, simply by reading, with Her Majesty's permission, an extract from the statement which, as I have said, I submitted to Her Majesty on Saturday. The statement contained a rather lengthened reference to what had occurred on the occasions of previous changes of Government. To all those references I shall now make no allusion, but shall read the passage in which the view I took of the case is set out—

> "It is in Mr. Gladstone's view of the utmost importance to the public welfare that the nation should be constantly aware that the Parliamentary action certain or likely to take effect in the overthrow of a Government, the reception and treatment of a summons from your Majesty to meet the necessity which such action has powerfully aided in creating, and again the resumption of office by those who have deliberately laid it down, are uniformly viewed as matters of the utmost gravity, requiring time, counsel, and deliberation among those who are parties to them, and attended with serious responsibilities. Mr. Gladstone will not and does not suppose that the efforts of the Opposition to defeat the Government on Wednesday morning were made with a previously formed intention on their part

to refuse any aid to your Majesty, if the need should arise, in providing for the Government of the country; and the summary refusal, which is the only fact before him, he takes to be not in full correspondence, either with the exigencies of the case or, as he has shown, with Parliamentary usage. In humbly submitting this representation to your Majesty, Mr. Gladstone's wish is to point out the difficulties in which he would find himself placed were he to ask your Majesty for authority to inquire from his late colleagues whether they, or any of them, were prepared if your Majesty should call on them to resume their offices, for they would certainly, he is persuaded, call on him for their own honour, and in order to the usefulness of their further service if it should be rendered, to prove to them that according to usage every means had been exhausted on the part of the Opposition for providing for the Government of the country, or, at least, that nothing more was to be expected from that quarter."

Sir, the conclusion to which I arrived on Sunday evening was distinctly and definitely this—that nothing more was to be expected from that quarter, and consequently I thought the time had arrived when it was my duty unequivocally, and at once to tender to Her Majesty my humble services. It has been remarked by many, and probably by impartial observers, that the delay which occurred between Thursday and Sunday was due to my reluctance to resume office. Sir, I can only say it was not consciously due to such reluctance. I should never think that a sentiment of this kind, whatever might be its value, was a reason for delay in settling a question material to the interests of the country. At the same time I do not disguise the fact that I felt reluctance, and I may have been unconsciously influenced by that feeling. I felt it, Sir, personally, from a desire for rest, the title to which had possibly been in some degree earned, so far as it can be earned by labour. I felt this reluctance also, politically, because I do not think that, as a general rule, the experience we have had in former years of what may be called returning or resuming Governments has been very favourable in its character. There was a case in 1832 when the Government of Lord Grey, after a crisis in the House of Lords, returned to office, and returned even with augmented vigour, to pursue their task. But that was a case in which the Government returned to take up again the Bill upon which the crisis had occurred and to carry it to a successful conclusion. Since that time there had been similar cases in which Governments after resigning have returned to office. I do not wish to refer to them in particular, but I think that the subsequent fortunes of such Governments lead to the belief that, upon the whole, though such a return may be the lesser of two evils, yet it is not a thing in itself to be desired. It reminds me of that which was described by the Roman General according to a noble ode of Horace—

"Neque amissos colores
Lana refert, medicata fuco:
Nec vera virtus, cum semel excidit,
Curat reponi deterioribus."

And I am bound to say that there is a special consideration which likewise aided to inspire and strengthen the same feeling in my mind on the present occasion, because we must all feel that the relations of the party in Opposition to the party in Office, after what has occurred, and after the negative answer given to Her Majesty—I am not now insinuating any opinion as to the propriety of the negative, but am simply referring to the fact—the position even of the Opposition itself relatively to the Government is to some extent modified; and I greatly doubt whether that modification is of a character likely to contribute to the efficient and satisfactory working of our system of Parliamentary Government. Such, Sir, are the views which undoubtedly I entertain, and which possibly may have influenced my conduct in a manner more decided than I have been myself aware of. But, Sir, we have resumed our offices, and, having resumed our offices, we shall endeavour fully and honourably to discharge the duties appertaining to them. We have resumed our offices with the belief that there is nothing in the events which occurred last week to warrant us in arriving at any conclusion whatever—any special conclusion whatever—with regard to the duration of the existence of the present Parliament, as connected with any particular course of business or any particular limit of time. In that respect we stand now, as we stood before, prepared to abide the course of events and to act as they may require. But I have felt it my duty to say this much upon the subject, because nothing can be more inconvenient and more injurious to the country than the prevalence of a floating, indefinite opinion of an intention—not avowed by the Government, yet not distinctly disavowed—to bring the present Parliament as soon as possible to a conclusion. Such an intention is, I trust, now distinctly disavowed, but of course I need not say that we retain the liberty which is at all times essential to the discharge of the functions of a Government. We shall endeavour to proceed, both with respect to legislation and administration, in the same manner and upon the same principles as those which have heretofore governed our conduct, and we shall address ourselves to the discharge of our arduous public duties, relying steadfastly upon the continued confidence and support of the House of Commons.

MR. DISRAELI: * Mr. Speaker, before I refer to the allusions which the right hon. Gentleman has made to some controversial elements which during the last few days may have arisen between him and myself with respect either to the conduct of this side of the House in reference to the recent vote or my own in declining the high responsibility which Her Majesty graciously suggested to me to undertake, I think it may be convenient that I should as clearly as I can place before the House exactly what part I have taken in these recent transactions, and give fully the reasons for the counsel which I presumed to offer Her Majesty under the circumstances. It was on this day week, when I was about to enter the House of Commons, that I had the honour of receiving a letter from the Queen informing me that Mr. Gladstone—I am correct in mentioning the right hon. Gentleman's name—had just then quitted the Palace, having offered his own resignation and that of his Colleagues to Her Majesty in consequence of the vote at which the House of Commons arrived on the preceding Tuesday, and that Her Majesty had accepted those resignations. The Queen inquired from me whether I would undertake to form a Government, and commanded my attendance at the Palace. When I was in audience I inquired of Her Majesty whether she wished that I should give a categorical answer to the question asked in Her Majesty's letter, or whether she desired that I should enter fully into the political situation. Her Majesty was graciously pleased to say that she should like to have an answer to that question, and that afterwards she wished me fully and freely to speak upon the present condition of affairs. The question being whether I would undertake to form a Government, I at once said that I believed I should have no material difficulty in forming an Administration which could carry on the affairs of this country with efficiency, and be entitled to Her Majesty's confidence, but that I could not undertake to conduct Her Majesty's affairs in the present House of Commons. After that I proceeded—with Her Majesty's permission — to lay before the Queen the reasons which had induced me to arrive at this conclusion; and I will now, in as succinct a manner as I can, give these reasons to the House. I called Her Majesty's attention to the fact that although the course of the public elections during the last two years had shown, in a manner which I think must be acknowledged by all impartial persons, that there was a change, and even a considerable change, in public opinion and in favour of the party with whom I have the honour to act in Parliament, still it was a fact which ought to be placed clearly before Her Majesty that the right hon. Gentleman opposite —notwithstanding all these gains by the Conservative party—was supported by a very large majority, and that I could not place that majority at a figure which could be accurately expressed unless I stated that it approached more nearly to 90 than 80. I believe I was correct in saying the majority of the right hon. Gentleman was 88. Then I called the attention of the Queen to the fact that the recent division indicated no elements to which I could look with any confidence to obtain subsidiary or extraneous aid which would in any considerable degree—or perhaps in any degree whatever—modify the numerical position of the right hon. Gentleman; that the discomfiture of the Government was caused, and the majority against them created, by the vote of a considerable section of the Liberal party, consisting of Irish Members, who might fairly be described as representing the Roman Catholic interest, and that there was no common bond of union between myself and that party. I stated that they would act—and most honourably act—with a view to effect the object which they wish to accomplish — namely, the establishment of a Roman Catholic University; that, in my opinion, that question had been definitely decided by the nation at the last General Election; but that, totally irrespective of that national decision, events had occurred in Parliament since which rendered it quite impossible for me to listen to any suggestions of the kind, because, since the last General Election, the endowments of the Protestant Church of Ireland had been taken away from it—a policy which I entirely disapproved, which I had resisted, and which they had suported, and which, having been carried into effect, offered in my mind a permanent and insurmountable barrier to the policy which they wished to see pursued. Under these circumstances, I had to place before Her Majesty that I, with my Colleagues should have to conduct Her affairs in a House of Commons with a most powerful majority arrayed against us. I had to point out to Her Majesty that this was a position of affairs of which I had some personal experience; that I believed it to be one detrimental to the public interest; that it permitted abstract Resolutions on political affairs to be brought forward by persons who had no political responsibility, and that those Resolutions were referred to afterwards, and precipitated the solution of great public questions which were not ripe for settlement. I represented to Her Majesty that this was a state of affairs which diminished authority, weakened government, certainly added no lustre to the Crown, but, above all, destroyed that general public confidence which is the most vigorous and legitimate source of power. Under these circumstances I felt it my duty to ask Her Majesty graciously to relieve me from the task which she had suggested to my consideration.

Now, Sir, it will be asked, and has been asked, no doubt, in every street and every chamber in this town, why, when being able to form an efficient Administration, and having been summoned to the Councils of Her Majesty deprived of the assistance of her previous Advisers, the only obstacle before me being that I had to encounter a hostile majority in the House of Commons—it will be asked, I say, why, under these circumstances, I did not advise Her Majesty to dissolve Parliament. To that point, with the permission of the House, I will now address myself. Sir, a Dissolution of Parliament is a political function respecting which considerable misconception exists. It is supposed to be an act which can be performed with great promptitude, and which is a resource to which a Minister may recur with the utmost facility. But the fact is that great mistakes prevail respecting this important exercise of the Prerogative. A Dissolution of Parliament is a very different instrument in different hands. It is an instrument of which a Minister in office, with his Government established, can avail himself with a facility of which a Minister who is only going to accede to office is deprived. A Minister in office, having his Government formed, with many indications, probably of the critical circumstances which may render it imperative on him to advise the Sovereign to exercise this Prerogative, has the opportunity of disposing of the Public Business preparatory to the act which he advises. But the position of a Minister who is only going to accede to office is, in this respect, very different. In the first place, he has to form his Administration, and that is a work of great time, of great labour, and of great responsibility. It is not confined merely to the construction of a Cabinet, which, when you are honoured by the confidence of many companions in public life is often the least difficult part of the task; but it requires communication with probably more than 50 individuals, all of them persons of consideration with whom you must personally confer. The construction of a Ministry falls entirely on the individual intrusted with its formation. It is a duty which can be delegated to no one. All the correspondence and all the interviews must be conducted by himself, and, without dwelling on the sense of responsibility involved, the perception of fitness requisite, and the severe impartiality necessary in deciding on contending claims, the mere physical effort is not slight; and two-thirds of the new Ministers also must appeal for re-election to their constituents. As a matter of time that materially affects the position of the Government. Now, in the present case, it would not have been possible for me to have formed a Government, and to have placed it on that bench and in the other House, in working gear, until Easter. Well, the holidays would have intervened. After the holidays it might have been possible, by having recourse to methods I greatly disapprove—namely, provisional finance, by Votes of Credit, or rather Votes on Account, and by taking a step which, for reasons I will afterwards give, I highly reprobate—namely, accepting the Estimates of our predecessors—it might have been possible to have dissolved Parliament in the early part of the month of May. But when the month of May arrived, this question would occur—what are you going to dissolve Parliament about? There was no particular issue before the country—at least, it cannot be pretended for a moment that there was any one of those issues before the country that have previously justified extraordinary dissolutions of Parliament — questions which the country wished passionately to decide, and when in a political exigency of that kind a Minister is perfectly justified in having recourse to provisional finance, or any other means by which he can obtain the earliest decision of the country. I wish the House for a moment to consider impartially what was the real position of affairs. Her Majesty's Ministers had resigned. Her Majesty had called on the leader of the Opposition to form a Ministry, while he had nearly a majority of 90 arrayed against him. It was, in his opinion, necessary of course, in the circumstances, to appeal to the country, in order that that majority might be changed, probably into one—though, perhaps, not of that amount—in his favour. But if that be the real state of the case—if there were no issue before the country—for I do not suppose anyone would maintain that the Irish University Bill was a question on which we could dissolve—the right hon. Gentleman by dissolving might have wished to punish those who voted against him—but I could not take that course, for I was one of the criminals—if the case be as I state, that we could not carry on affairs without an appeal to the country upon grounds which would justify the constituencies in giving us a majority, is it not quite clear that we could not appeal to the country without having a matured and complete policy? [*Laughter.*] Hon. Gentlemen opposite may laugh at the word "policy;" but I would suggest that it is impossible for those who sit on the Opposition bench suddenly to have a matured policy to present to the people of this country in case Parliament is dissolved. An Opposition, of whatever party it may be formed, is essentially a critical body; it is not a constructive one, and it cannot be. Upon all the great subjects of the day, no doubt—Gentlemen sitting on this side of the House have certain views and principles which guide them in dealing with the circumstances and measures before Parliament; but they must know that on all these questions they cannot for a moment rival the information possessed by a Government. However they may wish to do their duty to this House and offer their views and arguments for discussion, there is a degree of information which it is impossible to obtain by any but a Minister. Take a case illustrative of this. There is the question of our relations at this moment with Central Asia. No one will deny for a moment that this is a question of the highest importance; it is one in some degree of instant interest, but still more grave from its ultimate consequences. If there was a discussion of the Central Asian question, I myself, or my Friends around me, might presume to offer our opinions to the House; but, so far as I am concerned, I shall speak, as I trust I do on all matters of foreign policy, with reserve and unaffected diffidence, because I know very well that were I to cross the floor of this House and enter the archives of Downing Street, I should find information there which I do not now possess, which might modify, nay, entirely change my views, which might render it even necessary that, after much deliberation, we should place ourselves in communication with agents and authorities, and that we might even have to shape a particular course. All this cannot be done in a moment. And yet, how could we dissolve Parliament, and appeal to the country for its confidence, without guiding it on a subject which, although the English people are not fanatically anxious to interfere in foreign affairs, unquestionably much occupies the public mind, and especially of those thoughtful classes who influence opinion. And yet until we were in Office, and had the means of considering and maturing our policy on the subject, the House must feel that would have been impossible. We should have had to go on that and other matters with a blank sheet of paper to the constituencies. Would that, I ask, have been an appeal becoming us to make to a sensible people like the English nation?

Take another question. My right hon. Friend the Member for the University of Oxford (Mr. Gathorne Hardy) has given Notice of a Motion upon a subject infinitely more important than any Irish University question—which concerns the highest interests of the country—one on which it is, in my opinion, the duty of a Minister to take a decided course, and arrive at a precise resolution—I speak of those Three Rules which Her Majesty's Government are attempting to introduce into international law, which touch most intimately the rights of neutrals, and if misinterpreted must injuriously affect this country. How would it be possible to appeal to the people of England so to exercise their suffrages that they should convert the large majority of the right hon. Gentlemen opposite into a majority in favour of those who sit on this side of the House if we blinked giving our opinion on that vast question? They would say, you appeal to the country, you ask for our confidence —what do you mean to do about that mysterious and perplexing question of the Three New Rules proposed to be introduced into international law which affect all the rights of neutrals, and on which the position of this country may ultimately depend? It is clear that on such a matter we must speak with decision and act with energy. How are we to do that unless we have the opportunity of investigating affairs with the information which is only at the command of a Minister who can then come forward with a policy for which he is ready to be responsible? I do not wish to push the case with regard to Foreign Affairs farther, but I would remind the House that there is also the question of the mode of payment of the compensation money awarded by the Tribunal of Geneva. That also is a question in which the country wants to be guided and instructed by a Ministry. There is, however, one other point I cannot help noticing, and that is the French Treaty of Commerce. I have endeavoured to follow the negotiations with respect to that Treaty, but I confess I feel somewhat at sea with regard to them. I really do not know the engagements into which the Government are about to enter, but it is a subject of vast interest to the country. Judging from the communications made to me within the last week from the great seats of industry, no Minister could dissolve without speaking on that subject in a precise and definite manner.

I mentioned to the House just now the necessity, in case we dissolved Parliament in the month of May—which would be the earliest possible period — of accepting the Estimates of our predecessors, which are on the Table. As a general rule, and at all times, I highly reprobate that course. Nothing but a political exigency, nothing but the existence of a question on which the country is passionately determined to have an instant decision, can justify a Minister in taking that course. But look to our particular position with respect to this subject? You must remember that at the last General Election the country was particularly appealed to on the head of Expenditure. The Expenditure of the Government of which I was the head was denounced as "profligate;" and the manner in which it was so held up to the people of this country greatly influenced the Elections — quite as much as the question of that unfortunate institution, the Irish Church, the spoliation of which, I believe, is not now so popular as it was at that time. I speak with due diffidence on the point; there are alterations made in the mode of keeping the accounts since the election of 1868; but, making all the deductions I can on this head, it does not appear to me that the expenditure of the country at the present moment is less than it was when it was denounced at the Election of 1868. I certainly do not wish on this occasion to make any charge against the present Government; but this I may say, it is a subject most important and interesting to the people of England, and one which, if I were a responsible Minister tomorrow, it would be my first task and effort to scrutinize with a view to find out whether there was any ground for the denunciation of the expenditure of 1868, and whether there are adequate grounds for the expenditure which at present prevails. This is a most grave business, which cannot be done in a moment. The Estimates of this country cannot and ought not to be settled by a few Treasury clerks. I have endeavoured to impress upon the House more than once—and generally speaking the principle has been accepted—that expenditure depends upon policy; and, therefore, before we could decide what was the fitting expenditure of the country, especially in armaments, we must be minutely and accurately informed what are our engagements and relations with the various Powers of the world. If it be true that expenditure depends upon policy, I beg the House to remember that, since I was at the head of public affairs, the greatest Revolution has happened in Europe since the first great French Revolution at the end of the last century. Much greater changes have occurred in Europe since the Government of 1868 than were effected by the Congress and the Treaty of Vienna. The Congress and Treaty of Vienna left the boundaries of France untouched; they left Germany divided among a variety of Princes and Potentates; they left a divided Italy; and they left Rome in the possession of the Pope. All these conditions have changed; and many of the most important considerations that the Government of the day had to enter into when they decided upon our armaments in 1867 and 1868 are entirely changed. I do not mean to say there may not be new quarters in which it may be necessary to take precautions; but the House will, I think, on reflection, agree with me that all the data upon which the expenditure for our armaments was calculated in 1868 are entirely changed. The consideration of these subjects would be a task which a new Government must enter into heartily, sincerely, and thoroughly. It would be impossible to go to the country, especially upon this subject of expenditure, in perfect silence, and offer only a blank sheet. It is quite clear, if that be the case, we have first of all to consider the engagements and relations of this country with foreign Powers; secondly, whether our armaments are efficient and sufficient for the purpose; and thirdly, whether that efficiency and sufficiency have been attained in the most economical manner. Is this an affair that can be accomplished with the facility with which, sitting on an Opposition bench, you can write an address to your constituents? The House will see that, before making an appeal to the country, it would be necessary that we should encounter preliminary duties of the gravest responsibility. I go further on this head. However anxious a Government may be, in the contemplation of a Dissolution of Parliament, to wind up public affairs, however anxious they may be to discharge only those duties which seem absolutely necessary for carrying on the public service, I have observed that there is always some large question which cannot be shelved or shunted, either from the peculiar interest which the country takes in it or the engagements of successive Ministers, and sometimes, and not uncommonly, from its indirect influence upon Imperial finance; and there is one of those questions now—there is the question of Local Taxation. It would be impossible for a Ministry formed from the benches on either side, certainly from these benches, to go to the country and to be silent on the question of Local Taxation. It is no light matter to grapple with. It is possible, I give no opinion on that head now, that in attempting to settle it you may have to interfere with your Imperial finance, and that a Budget may be affected by it. Well, what is the upshot? The upshot is that if we had accepted office we should have had to conduct the affairs of Her Majesty's Government in Parliament for the whole Session, and for a Session of no ordinary length, and I was not prepared to take a step of that kind. I know from experience, as I mentioned before, what is the consequence to a party and to the public interests of endeavouring to carry on the Government of the country in a House in which a large majority is arrayed against you. I am not referring to the period when I had the honour to introduce and conduct through the House a Bill to amend the Representation of the People. I said then, and I say now, I think that the conduct of the House to Her Majesty's Ministers was independent, generous, and spirited. To that Bill the right hon. Gentleman opposite, as the leader of the Opposition, offered an uncompromising opposition. I had the asssistance of the House, and that Bill was triumphantly read a second time; and after the Easter holidays, when the right hon. Gentleman rallied his forces and himself brought forward a Motion which, if carried, would have been fatal to it, the right hon. Gentleman was signally defeated. Therefore, it is a perversion of terms to say that at that time we were carrying on the Government with a minority, because on critical occasions we had a majority and the leader of the Opposition was defeated. But, Sir, I have had some experience of conducting the Government really in a minority. I take the case of the Government of 1852. It is well known that Lord Derby was most disinclined to take office. He had declined it in 1851 under circumstances most painful to himself. The Queen was left for 48 hours without a Government. In 1852 Lord Derby was obliged to take office; yet before he took it he made overtures to Lord Palmerston to construct a Government with him; and Lord Palmerston, who seemed not unwilling to assist my noble Friend, declined on the ground that he had no friends. A man whom we all remember as the most popular Minister in England gravely, and I believe sincerely, gave that as his reason. I believe Lord Derby on that occasion made overtures also to the right hon. Gentleman opposite. [Mr. GLADSTONE: No, no!] At all events, he spared no pains, and I know that to many Gentlemen who were not in political association with him he made overtures. Lord Derby was obliged to take the reins of Government. He formed a Cabinet of individuals who had never been in office; and the leadership of this House, for the only time, I believe, since the days of Lord Shelburne, was intrusted to an individual who had not the slightest official experience. If ever there was an occasion, one would think, for generous treatment on the part of the House of Commons, however great the majority might be, that was the instance. But what happened? The moment he took office the Supplies were voted for six months only, forcing him to call Parliament together in November, when he was obliged to bring forward remedial measures essentially financial, and when the permanent officers of the Government declared that the Estimates could only be imaginary. I know well—and those who are around me know well—what will occur when a Ministry takes office and attempts to carry on the Government with a minority during the Session, with the view of ultimately appealing to the people. We should have what is called "fair play." That is to say no Vote of Want of Confidence should be proposed, and chiefly because it would be of no use. There would be no wholesale censure, but retail humiliation. A right hon. Gentleman will come down here, he will arrange his thumb-screws and other instruments of torture on this Table—we shall never ask for a Vote without a lecture; we shall never perform the most ordinary routine office of Government without there being annexed to it some pedantic and ignominious condition. ["No, no!"] I wish to express nothing but what I know from painful personal experience. No expression of the kind I have just encountered could divest me of the painful memory; I wish it could. I wish it was not my duty to take this view of the case. In a certain time we should enter into the Paradise of Abstract Resolutions. One day hon. Gentlemen cannot withstand the golden opportunity of asking the House to affirm that the Income Tax should no longer form one of the features of our Ways and Means. Of course, a proposition of that kind would be scouted by the right hon. Gentleman and all his Colleagues; but then they might dine out that day, and the Resolution might be carried, as Resolutions of that kind have been. Then another hon. Gentleman, distinguished for his knowledge of men and things would move that the Diplomatic Service be abolished. While hon. Gentlemen opposite were laughing in their sleeves at the mover, they would vote for the Motion in order to put the Government into a minority. For this reason:— "Why should men," they would say, "govern the country who are in a minority?" totally forgetting that we acceded to office in the spirit of the Constitution, quite oblivious of the fountain and origin of the position we occupied. And it would go very hard if on some sultry afternoon some hon. Member should not "rush in where angels fear to tread," and successfully assimilate the borough and the county franchise. And so things would go on until the bitter end —until at last even the Appropriation Bill has passed, Parliament is dissolved, and we appeal to those millions who perhaps six months before might have looked upon us as the vindicators of intolerable grievances, but who now receive us as a defeated, discredited, and degraded Ministry whose services can be neither of value to the Crown nor a credit to the nation. Well, Sir, with these views, I think the House cannot be surprised that I should have felt it my duty, in concurrence with all those with whom I have acted in public life, humbly to represent to Her Majesty that I did not think it would be for the public advantage or for the honour of the Crown that under such circumstances—namely, the existence of a powerful majority against us—we should attempt to conduct Her Majesty's affairs.

Having announced that, I did not feel it my duty to recommend Her Majesty to dissolve Parliament. I might, so far as Parliamentary precedent is concerned, here drop this subject; but there have been misconceptions on this head which I wish to remove, and therefore I may be allowed to say that Her Majesty on this occasion — with that judicial impartiality which she displays to all who serve her—when, after the enumeration of these difficulties, I hesitated in accepting the offer that was so graciously made to me, did impress upon me that if I undertook the task I might count upon her most cordial support, and that if a dissolution could at all assist me I might depend upon the exercise of the Royal Prerogative for that result. However, I was obliged to represent to Her Majesty, by means of the details which I have given you, though not, perhaps, at so much technical length, that a Dissolution of Parliament would not remove the obstacles to which I have referred.

I ought not to pass unnoticed the observations with which the right hon. Gentleman commenced his address. The right hon. Gentleman has with candour and temper referred to the delay which elapsed between Thursday and Sunday in forming a Cabinet, and I think the House will agree with me that he has acquitted me—at least I understood him to do so—of being the cause of that delay. The right hon. Gentleman seems to have misapprehended the decision which, on my part, I thought was singularly precise and definite. The right hon. Gentleman has referred to a controversy between us which has not appeared before the House, on the conduct of the Opposition in the course which they took on the Motion for the second reading of the University Bill. I have no wish to enter into any discussion on this subject. The right hon. Gentleman will bear me out that in my letter to Her Majesty I at least did not shrink from arguing the question and vindicating on constitutional grounds the course which we took. I refrain from further alluding to this subject, but I must say, in passing, I thought it was a most gracious condescension on the part of Her Majesty, to deign to become the medium of communication in order, to use Her Majesty's language "to prevent, if possible, misconceptions." As to the charge against myself that I did not take sufficient pains or exhaust the means of forming a Cabinet on the occasion, and which appears to have been the cause of the hesitation in the right hon. Gentleman's mind, I hope that, as the right hon. Gentleman has read a passage on that head, I may also read a passage from my letter to Her Majesty on the subject. In it I say—

"The charge against the Leader of the Opposition personally, that by 'his summary refusal' to undertake your Majesty's Government he was failing in his duty to your Majesty and the country is founded altogether on a gratuitous assumption by Mr. Gladstone, which pervades his letter, that the means of Mr. Disraeli to carry on the Government were not 'exhausted.' A brief statement of facts will at once dispose of this charge. Before Mr. Disraeli, with due deference, offered his decision to your Majesty, he had enjoyed the opportunity of consulting those gentlemen with whom he acts in public life, and they were unanimously of opinion that it would be prejudicial to the interests of the country for a Conservative Administration to attempt to conduct your Majesty's affairs in the present House of Commons. What other means were at Mr. Disraeli's disposal? Was he to open negotiations with a section of the late Ministry, and waste days in barren interviews, vain applications, and the device of impossible combinations? Was he to make overtures to the considerable section of the Liberal party who had voted against the Government — namely, the Irish Roman Catholic Gentlemen? Surely, Mr. Gladstone could not seriously contemplate this? Impressed from experience, obtained in the very instances to which Mr. Gladstone refers, of the detrimental influence upon Government of a crisis unnecessarily prolonged by hollow negotiations, Mr. Disraeli humbly conceived that he was taking a course at once advantageous to the public interests, and tending to spare your Majesty unnecessary anxiety by at once laying before your Majesty the real position of affairs."

I spoke particularly from the experience which I, then myself inexperienced in public affairs, obtained when acting with Lord Derby and witnessing the course he took with reference to the Government of 1852; and if it be, as I hold, one of the greatest disadvantages of these political crises that so much public time should be wasted, that Parliament should become dislocated, that Public Business should be postponed or measures given up, and that the public mind should be disturbed, I consider I was doing my duty when I took every possible means to make the period during which the right hon. Gentleman was absent from office as short as possible. While upon this subject, I beg to say that, although I did not presume to give any advice to Her Majesty as to whom she should send for, as this is a peculiar right of the Crown with which no one ought to interfere, yet in speaking of the difficulties of the position in which Her Majesty was placed, I did give my opinion that I thought the cause for the resignation of the right hon. Gentleman and his Colleagues was hardly adequate to the great event which had occurred. It appeared to me, that under the circumstances of the case, the right hon. Gentleman was scarcely justified in the course he pursued, because we must remember that the unfortunate University Bill had been unpopular in this House from the beginning, and that a large section of the Liberal party opposed it on the same grounds on which it was opposed by hon. Gentlemen on this side of the House—namely, that it sacrificed the educational interests of Ireland to the claims of the Roman Catholic hierarchy. When we took that line in debate it was with a complete anticipation that every Gentleman connected with the Roman Catholic interest in Ireland would support Her Majesty's Ministers. But I said it was possible that the right hon. Gentleman, in consequence, I will not say of a hasty, but, as I think, of an unfortunate expression he used a month ago when he introduced the Bill, might feel his honour concerned so far as to be obliged to resign office. As regards his honour a statesman cannot be too nice and scrupulous; but I thought the right hon. Gentleman's honour was vindicated by the act of resignation, and that he might return to office without the slightest difficulty.

I am quite aware that the counsel I humbly recommended to Her Majesty in these negotiations may have been disappointing to some of my supporters in this House, and to many of my supporters in the country; but I would fain believe that, when they have given a mature and an impartial consideration to all the circumstances, they will not visit my conduct with a verdict of unqualified condemnation. I believe that the Tory party at the present time occupies the most satisfactory position which it has held since the days of its greatest statesmen, Mr. Pitt and Lord Grenville. It has divested itself of those excrescences which are not indigenous to its native growth, but which in a time of long prosperity were the consequence partly of negligence, and partly, perhaps, in a certain degree, of ignorance of its traditions. We are now emerging from the fiscal period in which almost all the public men of this generation have been brought up. All the questions of Trade and Navigation, of the Incidence of Taxation and of Public Economy are settled. But there are other questions not less important, and of deeper and higher reach and range, which must soon engage the attention of the country. The attributes of a Constitutional Monarchy—whether the Aristocratic principle should be recognized in our Constitution, and if so in what form—whether the Commons of England shall remain an Estate of the Realm, numerous, but privileged and qualified, or whether they should degenerate into an indiscriminate multitude—whether a national Church shall be maintained, and if so, what shall be its rights and duties; the functions of Corporations, the sacredness of Endowments, the tenure of landed property, the free disposal and even the existence of any kind of property. All those institutions and all those principles, which have made this country free and famous, and conspicuous for its union of order with liberty, are now impugned, and in due time will become great and "burning" questions. I think it is of the utmost importance that when that time—which may be nearer at hand than we imagine—arrives there shall be in this country a great Constitutional Party, distinguished for its intelligence as well as for its organization, which shall be competent to lead the people and direct the public mind. And, Sir, when that time arrives, and when they enter upon a career which must be noble, and which I hope and believe will be triumphant, I think they may perhaps remember, and not, perhaps, with unkindness, that I at least prevented one obstacle from being placed in their way, when as the trustee of their honour and their interests, I declined to form a weak and discredited Administration.

Mr. NEWDEGATE said, that the right hon. Gentleman (Mr. Disraeli) had touched upon one of the points which manifested the difficulty experienced by the party on his (Mr. Newdegate's) side of the House. He had indicated no positive policy on the part of those with whom he was connected, and his (Mr. Newdegate's) experience in that House was this, that the leader of a party, without a positive policy, must make up his mind to continue in a minority.

Mr. AGAR-ELLIS rose to Order. He wished to ask what was the Question before the House.

Mr. SPEAKER said, there was no question at present before the House. The House had just heard the Ministerial Explanations, but it would be irregular to continue the discussion without some Motion before the House, therefore, according to the ordinary practice, it would now be his duty to proceed with the Notices of Motion.

PARLIAMENT—ORDER OF PUBLIC BUSINESS.—QUESTION.

In reply to Mr. J. Lowther,

Mr. GLADSTONE said, the Public Business set down for to-morrow night would be quite sufficient to occupy the House. On Monday the Government proposed to go into Supply, in order to enable the First Lord of the Admiralty to bring forward the Navy Estimates. The course of business on the following Thursday would in some degree depend upon the progress made on Monday next, as it would not be desirable that the right hon. Gentleman's statement on the Navy Estimates should be delayed longer than Thursday. It was hoped, however, that by the dinner-hour on Thursday the postponed Motions of private Members might come on, and they would then, at all events, stand in a better position than when they came behind the Motion of his hon. Friend (Mr. Crawford).

Mr. G. BENTINCK thought his hon. Friend (Mr. J. Lowther) was entitled to ask the Government to place him in a position to bring forward his Motion on the Public Parks on an early day. He hoped the right hon. Gentleman would place him in a similar position to that which he occupied last Thursday in respect to his Motion.

Mr. GLADSTONE said, he thought the best course to take would be to wait until Monday, in order to see what progress they then made with Public Business.

Mr. NEWDEGATE said, he hoped that the right hon. Gentleman would inform him on Monday on what day he would redeem his pledge to give an opportunity to all those hon. Members whose motions had been postponed at his request, of bringing them forward.

UNIVERSITY TESTS (DUBLIN) BILL.

QUESTION.

In reply to Mr. Dixon,

Mr. FAWCETT said, it was his intention to bring on the second reading of this Bill on Wednesday, the 2nd of April, and he should also, if possible, press forward its subsequent stages. He regretted that the Bill had not yet been printed; but he hoped it would be delivered to-morrow or not later than Saturday. The delay had been caused by his anxiety to consider, and if possible to meet, the objections urged against his measure by the Prime Minister and others in the recent debate.

MALT TAX.—QUESTION.

Sir GEORGE JENKINSON asked the hon. and gallant Member for West Sussex, What course he intended to take with reference to his Motion on the Malt Tax, which stood on the Paper for to-morrow night?

Colonel BARTTELOT, in reply, said, that in the event of his right hon. Friend the Member for the University of Oxford (Mr. G. Hardy) proceeding with his important Resolution with regard to the Three Rules, and in the event of Her Majesty's Government making no proposal with regard to that subject, and on a Division being taken on the right hon. Gentleman's Resolution, he should not bring on the Resolution relating to the Malt Tax. Should, however, a proposal be made by Her Majesty's Government which would render it unnecessary that a Division should be taken on the Resolution of the right hon. Gentleman, he should bring the Question of the Malt Tax under the notice of the House.

REGISTER FOR PARLIAMENTARY AND MUNICIPAL ELECTORS BILL.

(*Mr. Attorney General, Mr. Hibbert.*)

[BILL 66.]—SECOND READING.

Order for Second Reading read.

THE ATTORNEY GENERAL, in moving that the Bill be now read a second time, said, the object of this measure was to simplify the process of revision, and have but one register for Parliamentary and municipal voters in boroughs. At present the revision was separate, the qualifications were to some extent separate also, while the expense and inconvenience under the present system caused much dissatisfaction. The Bill left the county registration untouched, with the single exception that the revision for the counties and that for the boroughs should take place at the same time. The necessity for the alteration of the date was this. It was desirable that the various overseers who prepared the lists should do their work both for the Parliamentary and municipal boroughs, at the same time, and also that the Revising Barrister, to whom the duty of revision was to be intrusted for municipal as well as Parliamentary boroughs, should do his work at the same time and at the same expense. It was important that all the franchises —the borough franchise, the Parliamentary franchise in the borough, and the Parliamentary franchise in the county—should be dated on the same day. The voters in respect of the Parliamentary and municipal boroughs were not absolutely the same, though nearly so. By the earlier Reform Bill there were certain old Parliamentary franchises preserved which did not apply to boroughs as municipalities. The Bill now before the House still preserved those franchises. Therefore, a certain number of persons had votes for the Parliamentary borough who had none for the same borough as a municipality. On the other hand, there was an important addition made by Parliament to the municipal voters—namely, women, who had not a share in the Parliamentary franchise. Under these circumstances, it was of course absolutely necessary that two lists, one of the Parliamentary and the other of the municipal electors, should be made out, and in both cases the lists were prepared by the same officers. The date of the franchise, both Parliamentary and municipal, would be the same—namely, the 31st of July. There was a certain number of Forms and Notices prescribed by the Registration Act, the 6 & 7 *Vict.*, c. 18, in the case of Parliamentary votes that were not required to be served in the preparation of municipal lists, while there were various lists, made by overseers of parishes and published for the Parliamentary voters, that were not to be prepared for municipal voters. Thus a list of freemen, the list of present voters, the list of new claims, and the list of objections had to be prepared, all of which related to the Parliamentary voters, while the burgess list, which related to the municipal voters only, had to be prepared by the overseers and delivered by them to the town clerk. The Parliamentary lists were dated the 29th of August and the municipal list on the 1st of September. Then the overseers had to publish the Parliamentary voters' list on the first two Sundays in August, while the town clerk had to publish the burgess list on the 15th of September. New Parliamentary claims to vote had to be made to the overseers before the 25th of August, and new municipal claims to vote had to be made to the town clerk before the 15th of September, and objections to such votes had to be made before those days respectively. At present all objectors to voters in boroughs were required to state some ground for their objections, while no such obligation was laid upon objectors to county voters, and it was the object of this Bill to remove that distinction, and to require all objectors to county voters to assign a reason for their objections. The result of all this was that for the Parliamentary borough as many as five lists had to be prepared—four by the overseers and one by the town clerk, and for the municipal boroughs but one list—namely, the burgess list, which the town clerk had to prepare. The revision of the lists of the Parliamentary voters for boroughs was in the hands of the Revising Barristers, who, on the whole, performed their duties most satisfactorily; but the duty of revising the municipal lists was discharged by the mayor and two assessors, who constituted, he thought, a very unsatisfactory tribunal for that purpose, inasmuch as the assessors in boroughs in which party politics ran at all high were chosen from merely political considerations. It was now proposed that the Revising Barrister who went through the Parliamentary list should revise the borough list also. In the case of appeal the present law appeared to need amendment, since the decision of the Revising Barrister was conclusive, unless he chose to grant a case, and though he did not mean to hint that there had been any abuse of the power thus vested in the hands of the Revising Barrister, yet it was plain that such a thing might occur, and that under the Ballot Act his power had been largely increased. As matters at present stood, the appeal when the case was granted was to the Court of Common Pleas, which had performed its high functions not only without being open to the charge of any abuse, but with promptitude, appeals made in the Michaelmas Term after the revision being generally decided before Christmas. As to the mayor and assessors to whom he had just referred, the only means of correcting any mistake made by them was through the cumbrous machinery created by the 7 *Will.* IV., and 1 *Vict.*, by a writ of *mandamus* of the Court of Queen's Bench. Since the passing of 7 *Will.* IV., the writ of *mandamus* had been made subject to an appeal to the Exchequer Chamber and to the House of Lords. To show how the thing worked he might mention that he had been engaged in a case in which the contention on his side was that the mayor and one assessor had by a wrong decision disfranchised one-third of the voters in a borough in the South of England. It was sought by a writ of *mandamus* to replace those persons in the position to exercise their rights, and the matter was taken by appeal to the Exchequer Chamber and afterwards to the House of Lords, the result being that a final decision had not been given in the case until four years had elapsed and three revisions had been held, the costs incurred being enormous. Now, in order to remedy the evils of the existing system, it was proposed to make one register for the boroughs. On that register there would, for reasons which he had already laid before the House, be two lists; there would be one revision, and that revision it was proposed to intrust to the Revising Barristers, who would of course be selected as persons perfectly apart from all political considerations. As to the appeal, he proposed to keep it where it was in the case of the Parliamentary voter, and in the case of the municipal to give the same remedy, the appeal to be made to the Court of Common Pleas. Power was to be given to the Court to alter the municipal register, as it was now given in regard to the county and borough Parliamentary registers. He proposed further to give the Court of Common Pleas power in a short and summary way, on application to a Judge in Chambers, to compel a Revising Barrister to grant a case if the Judge was satisfied that he ought to do so. He thought there ought to be some such power, he had no fear that it would be greatly used; and its very existence perhaps, would prevent the necessity for its exercise. They proposed also to compel a statement of the grounds of objections in the case of county voters as well as in the case of borough voters. He would for the present pass over many points of detail, as being essentially matters for discussion in Committee. In putting the revisions together it was necessary to alter the dates of the various notices and stages connected with the lists. They had substituted for the sake of convenience the 24th of June for the 31st of July. The proposed changes of dates appeared to be numerous, but they were all governed by one and the same rule—namely, to make the new dates bear exactly the same relation to the new point of departure, the 24th of June, as the old dates bore to the old point of departure, July 31. If they were to have one revision, and if the time for the election of town councillors and mayors—namely, early in November, was to remain unaltered, the revision would have to be fixed so as to give a reasonable time to enable the lists to be made out and the voting to be based upon them. His right hon. Friend opposite (Mr. Hunt) suggested that the election of town councillors should be held on the 1st of January, and then a great many of those changes of dates would be unnecessary. No Constitutional principle was involved in either of those dates; but at a meeting in London, at which more than 50 of the largest towns in England were represented, an unanimous opinion was expressed in favour of the dates contained in the Bill. They particularly objected to the elections taking place on the 1st of January, on the ground that that day was at present generally a day of rejoicing, and that, if the elections were to come off at that time, the whole of the Christmas week would be spent in canvassing. Independent of the respect which was due to the authority of these persons, the reasons which they gave seemed to him good, and the Bill was therefore drawn in accordance with their opinion. There was a certain number of non-Parliamentary boroughs in England—58, he believed, in number—and the question arose whether they should make the same rule for Parliamentary and non-Parliamentary boroughs. They thought that, on the whole, it would be better to have one rule for all. Non-Parliamentary boroughs were generally polling places, and the Revising Barrister being obliged to visit them for the revision of the county list, it would add little to his trouble to revise the municipal list at the same time. He hoped he had made it clear to the House what they intended to do by this Bill, and he begged now to move that it be read a second time.

Mr. HUNT said, that he had no objection to offer to the principle of this Bill. The change proposed by his hon. and learned Friend opposite was very desirable—namely, that the revision of the municipal lists should take place at the same time and under the same superintendence as the Parliamentary lists. He entirely disagreed, however, with the proposal of this Bill in reference to the period at which revision was to take place. His hon. and learned friend proposed that the revision for both boroughs and counties should take place at a time when, by the habits of this country, everybody who could leave home was away. The habits of the people of this country, as regarded locomotion and travel, depended very much on the sitting of Parliament and the holding of the Assizes. According to this arrangement, the work of revision would not commence until the professional gentlemen who were concerned in the revision were mostly away from home. The proposal of the Bill was that revision should take place between the 9th of August and the 24th of September. Parliament was generally prorogued about the 9th of August, and the summer Assizes generally came to an end about the same period. That was the very time when people went to the sea-side, to the Continent, or to the Highlands. It would thus frequently happen that a person's vote would be called in question in the Revision Court, and that he would not be able to sustain it because he was in Switzerland or Scotland. He would either have to run the risk of losing his vote, or he would have to return at great personal expense and inconvenience to defend it. It seemed to him that they ought to change the time of the municipal election rather than change the time of revision, and he hoped his hon. and learned Friend would re-consider the matter. The objection to the change was that Christmas would be spent in canvassing. He thought, however, that in these halcyon days of vote by Ballot they were to lose the benefits of canvassing. [Mr. Collins: No, no!] His hon. Friend the Member for Boston was not a member of the Committee which sat to inquire into the subject four years ago, and he (Mr. Hunt) was, and they were told that one of the great advantages of the Ballot was, that it would be able to dispense with canvassing, on account of the absence of any security for promises being redeemed. The most natural course would be to make the register come into force on the 1st of January. In the counties that was so now; and the time, he thought, should be the same for the boroughs. Moreover, there was frequently much drunkenness both at Christmas and at the time of elections, and the holding of municipal elections on the 1st of January would give one week's saturnalia instead of two, thereby improving the morality of the country. He hoped, on those grounds, that the present dates with regard to the Parliamentary register would be retained.

Mr. JAMES said, he was not going to criticize the Bill in a hostile spirit, but there were one or two suggestions which he wished to offer. He regretted that the Bill did not provide for the appointment of registration officers, to supersede the overseers in the preparation of the lists—a change recommended by the Committee of 1869. He had originally favoured the 1st of January as the date when the new Lists should come into operation, but on reflection he preferred the 25th of October, for the register having been made conclusive, and the registration being usually completed by the end of September, it was undesirable to have three months' interval, during which persons would lose their qualification and yet retain the right to vote. [Mr. Hunt remarked that the Register could not be printed by the 25th of October.] He believed this might with due diligence be effected. He regretted that no provision was made in this Bill with regard to the pressure which was put upon lodgers to prove their qualifications, because at present they had to show that their qualification was good at every registration. Things had come to such a point that it was necessary there should be some legislation. The measure would apparently check the evil of frivolous objections. In many boroughs the agents on both sides objected to working men, in the hope that they would not be able to attend, and even if they attended and substantiated their claim, the Revising Barrister, as the law now stood, seldom awarded them costs. He would suggest that the Barrister should be required, on the requisition of a certain number of the electors, to hold a Court after 6 or 7 at night, a point of greater importance than the keeping open of the poll to a later hour.

Mr. COLLINS, while approving the principle of one register for Parliamentary and municipal purposes, regretted that the Bill left unaltered two great inconveniences of the existing law. The overseer had to publish on the 1st of August a list of persons qualified on the previous day, a task obviously impossible, resulting in an imperfect list, and in unnecessarily numerous objections and claims. There ought to be a reasonable interval between the date of qualification and the issue of the list. There should also be an interval between the date for objections and that for claims, so as to allow persons whose qualification was objected to to put forward another, if they had one. At present an overseer might give notice to his political friends, which would enable this to be done on the same day that the objection was made, but might withhold such an intimation from the other side. He considered it a great boon that the revision of the municipal registration was to be taken out of the hands of partizan mayors and assessors, and also that the temptation to make frivolous objections was lessened. He could not regard the alteration proposed to be made in the Bill as to time an improvement. It would in practice be found a most inconvenient thing to turn the week intervening between Christmas and the 1st of January into a time of electioneering. It was a time when persons were, or ought to be, given up to charity and goodwill; but the prevalence of party politics would create, instead, feelings of bitterness and discord. He hoped that the middle of January or the middle of December would be substituted for the first day of the year. These were, however, matters of detail which could be discussed hereafter, and he hoped they would be considered without any party spirit.

Mr. BRAND said, he could not regard the Bill as being a very comprehensive measure. It did not attempt to consolidate any of the existing statutes; but it certainly did remedy one or two of the more glaring evils of the present system of registration. They should wait, for a further amendment of the law, until certain questions affecting local government had been settled. The Bill provided against frivolous objections being made to voters, but it did not provide for the efficient registration of those voters, for there was no method of correcting the list or filling up omissions therein. More time ought to be given to the overseers between the making up of the lists and the time of publication. The principle of the Bill was good so far as it went, and he hoped the hon. and learned Gentleman would press it forward with every possible celerity, in order that when amended it might come into operation at the next registration.

Mr. C. E. LEWIS observed that the object of the Bill, so far as the making of one list of Parliamentary and municipal voters was concerned, seemed to meet with the general concurrence of the House. He was, however, opposed to the suggestion that the list should, as to each class, come into operation on the same day. If it did, then the power of appeal, so far as regarded the municipal voters, would be taken away; because the municipal elections would be held on the 1st of November, and the earliest day on which the appeal could be heard was the 2nd of November, the first day of Michaelmas Term. With respect to boroughs, the Bill might very well provide that the list for municipal purposes should come into operation on, say, the 1st of December, and with respect to Parliamentary elections in boroughs, and also in counties on the 1st of January. In some cases an appeal had the effect of deciding great numbers of cases, and he believed that one decision respecting a vote at Whitehaven affected between 300 and 400 votes, and he would therefore suggest the propriety of adopting a plan whereby the procedure could in this respect be simplified, and they could avoid the objections attaching to the suggestion that the municipal elections should take place on the 1st of January, and the consequent turmoil of elections at the period of Christmas. There were one or two subsidiary points on which he wished to remark. The 11th clause provided that

> "Where any objection was made to any person appearing on any list of voters for any county or borough, or to any person claiming to be on such list of voters, and the name of the person so objected to was retained on or inserted in the list by the revising barrister, the revising barrister should, unless for special reasons he otherwise determined, order costs to be paid to the person objected to."

This might be very well in boroughs; but in counties, where the qualifications for voters were so numerous, intricate, and dissimilar, a provision such as he was now alluding to would enable persons who desired it, to stuff the registers with faggot votes, because no one would undertake the responsibility of objecting, and testing the qualification in the Revising Barristers' courts. One of the most important difficulties and infirmities which underlay the whole system of registration was the fact that a Revising Barrister's court was the only judicial court in the country in which there was no power to summon witnesses. That state of things had existed ever since the passing of the great Reform Bill in 1832. He had hoped that into any measure dealing with the subject there would have been introduced a proposal to remedy that. The present measure, however, not only failed to do this, but actually proposed to continue the existing practice. So infirm was the proceeding in the Registrar's Courts that although a person might know another who was not qualified to be on the register no compulsory evidence could be got at to decide the matter. While, on the one hand, it was the duty of Parliament to protect the voters from wholesale objections, it was incumbent upon them, on the other, to insist upon the purity of the register; but the operation of the provision to which he was now alluding would be to nullify all registration proceedings. With regard to the dates at which the registration courts were to sit he also wished to make a few remarks. At present the courts sat between the middle of September and the end of October. The Bill proposed that in future they should conclude their sittings by the 24th of September. But many hon. Members would know that the Assizes on two of the largest circuits very often lasted until the first week in September, and one result, therefore, of the proposal to alter the dates would be, in the case of Revising Barristers going either of those circuits, to drive over the sittings of the courts so late that the work would be done very hurriedly, and therefore imperfectly. Another result would be that the proceedings of the courts would take place during the time of harvest, which was the most awkward period of the year for the transaction of public acts in which farmers and other voters resident in the agricultural districts were concerned. He should feel it his duty to take the sense of the House upon this point when the Bill came to be considered in Committee, unless a modification of the clause was proposed by the hon. and learned Gentleman in charge of the Bill. On the general question, he wished to endorse the opinion of the hon. Gentleman who had last spoken (Mr. Brand), that the measure was another instance of the tendency of the House, and those who regulated its proceedings, to go upon the patchwork system of legislating, instead of adopting the principle of consolidation. The present measure proposed to alter or partially repeal no less than 12 different Acts of Parliament, and he could not help thinking that the hon. and learned Gentleman (the Attorney General) would have done better to attempt a consolidation of the whole law relating to the registration of voters, instead of bringing in a patchwork Bill such as the one they were then considering. He should give his support to the measure, so far as it provided one system of registration for Parliamentary and municipal voters, but thought some serious evils might arise from passing the Bill in its present shape. There were two great dangers to be guarded against—one was the danger of persons really entitled to vote being objected to; but there was also the great danger of persons not entitled to vote being placed on the register.

MR. HIBBERT said, the points which had been brought forward in the course of the discussion were principally matters of detail which did not affect the principle of the Bill. He agreed with the suggestion which had been made by the hon. Member for Boston (Mr. Collins), and he believed his hon. and learned Friend who had the charge of the Bill would be able to put off the publication of the list for at least six, and perhaps for 10 days. The Bill had two objects —first, to save expense, and secondly to prevent unnecessary annoyance to the voter. So far as expense was concerned, the printing of the register in a large borough cost a very large sum. In Liverpool last year it cost £1,135, in Manchester quite as much, and even in Oldham it was over £1,100—therefore, the House might well understand why the municipal authorities of the country were in favour of the Bill. In the interest of economy and as a means of getting a more perfect list, the Bill deserved the support of Parliament. It would deprive political agents of the power of annoying voters with notices of frivolous objections. At the last revision of the register for the borough which he represented (Oldham), 10,000 objections were made, the municipal list itself containing the names of only 14,000 voters. As to the suggestion of the hon. Member (Mr. C. E. Lewis) that a Bill should be proposed for the consolidation of the Registration Acts in preference to a small amending Bill like this, he (Mr. Hibbert) would observe that the longer that hon. Member was in the House he would the better understand the difficulty of carrying a Consolidating Bill through the House. After this Bill passed it would be desirable that the task of consolidating the Registration Acts should be undertaken. As to the suggestion that municipal elections should be postponed from the 1st of November to the 1st of January, he would observe that the municipal authorities had by a strong resolution expressed their appreciation of the plan suggested by this Bill, and their objection to an alteration of the date of municipal elections. The agents in different parts of the country thought there would be no difficulty in having the registers printed early enough to come into operation on the 25th of October. His hon. and learned Friend would consider how he could meet the objection which had been made on the subject of appeal, and would also be glad to consider any Amendment which might be proposed in Committee to improve the Bill.

MR. ASSHETON said, he thought the clauses which referred to frivolous objections were as valuable as any part of the Bill. Such objections were made by the thousand, and in many cases they were most frivolous and vexatious.

MR. STEVENSON advocated a careful classification of the lists by the overseers.

MR. PELL said, he thought the suggestion of the hon. Member for Derry (Mr. C. E. Lewis), with reference to county elections was of considerable importance. Great reform was needed with respect to the making out of claims to be put on the county register. At the proper time he should be prepared to move that the Bill be referred to a Select Committee for further consideration, together with a Bill which he had introduced on the same subject.

MR. WHEELHOUSE said, he hoped that greater facilities would be given to lodgers for putting themselves on the register. The greatest possible difficulty was now thrown in their way to prevent their getting on the register in the first instance, and to prevent their remaining on it afterwards.

Motion *agreed to.*

Bill read a second time, and *committed* for *Thursday* next.

SALMON FISHERIES COMMISSIONERS BILL.—[BILL 85.]—COMMITTEE.

(*Mr. Winterbotham, Mr. Secretary Bruce.*)

Bill *considered* in Committee.

MR. LIDDELL, without pre-judging the question whether this Commission was necessary or not, appealed to the hon. Gentleman the Under Secretary for the Home Department to suspend further action in regard to this measure until the House had had an opportunity of considering the provisions of the Salmon Fisheries Bill of the hon. Member for

Swansea (Mr. Dillwyn). That Bill proposed to create certain important work in connection with the Salmon Fisheries, which could only be well done by these Commissioners, and until the House decided this point it would be premature to abolish the Commission.

MR. WINTERBOTHAM said, he should be happy to accede to the request of his hon. Friend, were it not for this practical difficulty—that substantially the whole of the work which the Commissioners were appointed to do under the Act of 1865 had been completed, and accordingly in the Civil Service Estimates of the current financial year no provision was made for the continuance of the Commission after March 31. If it were hereafter found that new powers might be advantageously given to the Commissioners, it would be competent to the House to re-constitute the Commission.

Bill *reported,* without Amendment; to be read the third time upon *Monday* next.

PUBLIC WORSHIP FACILITIES BILL.—[BILL 27.]—COMMITTEE.

(*Mr. Salt, Mr. Cowper-Temple, Sir Smith Child, Mr. Akroyd, Mr. Dimsdale.*)

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 to 5, inclusive, amended, and *agreed to.*

Clause 6 (Status of Ministers).

MR. MONK, in page 3, line 13, to leave out the words "officiating minister," and insert the words "incumbent and churchwardens of the parish within which any such chapel is situated."

MR. SALT said, he hoped the hon. Member would not press the Amendment, as he intended to move that whatever money might be collected should be divided; and this would afford a rough kind of compromise, sufficient to meet the difficulty.

Question put, "That the words 'officiating minister' stand part of the Clause."

The Committee *divided:*—Ayes 34; Noes 18: Majority 16.

Bill *reported;* as amended, to be considered upon *Monday* next.

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present.

House adjourned at half after Eight o'clock.

HOUSE OF LORDS,

Friday, 21*st March,* 1873.

Their Lordships met;—and having gone through the Business on the Paper, without debate—

House adjourned at a quarter past Five o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 21*st March,* 1873.

MINUTES.]—SELECT COMMITTEE—East India Finance, Mr. Campbell-Bannerman *added.*

SUPPLY—*considered in Committee*—CIVIL SERVICE ESTIMATES.

WAYS AND MEANS—*considered in Committee*—Consolidated Fund (£9,317,346 19*s.* 9*d.*)

PUBLIC BILLS—*Ordered*—*First Reading*—Income Tax Assessment* [98]; Land Drainage Provisional Order* [97]; Endowed Schools Address* [94]; Elementary Education Provisional Order Confirmation (No. 1)* [95]; Elementary Education Provisional Order Confirmation (No. 2)* [96]; Public Health* [99].

First Reading—Mutiny*.

Committee—Local Taxation (Accounts)* [16]—R.P.

Committee—*Report*—Salmon Fisheries [19-93].

Third Reading—Drainage and Improvement of Lands (Ireland) Provisional Orders (No. 2)* [82], and *passed.*

JURIES (IRELAND) ACT—SELECT COMMITTEE.

NOTICE. QUESTION.

MR. BRUEN gave Notice that on going into Committee of Supply this day week he should move for a Select Committee to inquire into the operation of the 34 and 35 Vict. (the Juries (Ireland) Act), and whether it was necessary to amend the same in order to secure the due administration of justice in Ireland.

VISCOUNT CRICHTON asked the Chief Secretary for Ireland, If it be the fact that the leading Counsel prosecuting on behalf of the Crown at the late Limerick Assizes postponed, by instruction of the Attorney General for Ireland or otherwise, several prosecutions which were ripe for trial; and, if so, whether such postponement was due to the unsatisfactory nature of the Jury Panel as constituted under the recent provisions of the Juries Act (Ireland)?

The Marquess of HARTINGTON, in reply, said, that he had ascertained that four prosecutions were postponed at the late Limerick Assizes. The postponement of three of those cases was for reasons wholly unconnected with the nature of the Jury Panel, but which, in the judgment of the counsel who appeared for the Crown, rendered it expedient, in the interest of justice, that such postponement should take place. The propriety of the postponement of the fourth case was agreed upon at a conference between the Crown Solicitor for the county and the two counsel who appeared for the Crown. One of those learned counsel and the Crown Solicitor state that the reasons which influenced them in advising the postponement were unconnected with the Jury Panel. Upon the other hand, the learned counsel who led for the Crown appears to have been influenced by the state of the Jury Panel, which he did not consider to be satisfactory. It may be convenient that I should state that the Irish Government has, since the recent Juries Act came into operation, used—and is continuing to use—every exertion to obtain accurate and detailed information as to the operaration of that Act, and that before the adjournment of this House for the Easter Recess I propose to move for a Select Committee—a course in which I have been anticipated by the hon. Member for Carlow (Mr. Bruen)—to inquire into the matter, and to report whether any alterations ought to be made in the present law in relation to juries in Ireland. I do not anticipate that the duties of that Committee will occupy any very lengthened period; and I should hope that if any amending legislation shall appear to be necessary, a Bill may be brought in and passed before the commencement of the next Irish Assizes.

RAILWAYS—THE HEBERLEIN BREAK.

QUESTION.

Sir HENRY SELWIN-IBBETSON asked the Under Secretary of State for Foreign Affairs, If the Foreign Office will instruct our Minister at Munich to furnish a Report to the House of Commons on the trials that have taken place in Bavaria relating to a break system on Railroads, called the Heberlein Break System, and to the fact of its adoption by the Bavarian Government? He might add that this break had been tried with such advantage that the French Ambassador had been instructed to obtain a copy of the Report as to the result of the trials.

Viscount ENFIELD said, the English Minister at Munich would be instructed to obtain a copy of the Report.

CENTRAL ASIA—RUSSIAN EXPEDITION TO KHIVA—QUESTION.

Mr. EASTWICK asked the Under Secretary of State for Foreign Affairs, Whether English agents of the English Press will be allowed to accompany the Russian Expedition to Khaiva?

Viscount ENFIELD, in reply said, that from information he had received from St. Petersburgh, he had every reason to believe that neither English nor Russian representatives of the Press would be allowed to accompany the Expedition to Khiva.

AGRICULTURAL RETURNS.

QUESTION.

Mr. DENT asked the President of the Board of Trade, If he would state to the House why the Agricultural Returns of Great Britain, with Abstract Returns for the United Kingdom, British Possessions, and Foreign Countries, 1872, which were laid upon the Table of the House on July 22, 1872, have not been delivered to Members of Parliament, although comments upon them have already appeared in several of the London newspapers?

Mr. CHICHESTER FORTESCUE, in reply, said, the Agricultural Returns for 1872 were formally laid on the Table before the end of last Session, in the hope that they might be issued before the beginning of the present Session. This was not found practicable; but 250 copies of the Returns were delivered by the Queen's Printers to the Statistical Department of the Board of Trade on the 8th of this month, and, according to precedent, copies were forwarded to the different London newspapers. He was unable to say why the Queen's Printers had not before delivered them to hon. Members of this House, but they were delivered now.

ARMY—KRIEGSPIEL.—QUESTION.

MR. H. SAMUELSON asked the Secretary of State for War, Whether the Commander-in-Chief has sanctioned the formation at the Horseguards of a species of club or society for the practice of Kriegspiel, from which officers of the Auxiliary Forces are excluded; and, if that be true, whether he will state to the House the reasons of this exclusion, and whether it is intended to be permanent?

MR. CARDWELL, in reply, said that permission has been given to use the room at the Horseguards for the practice of the Prussian military game of Kriegspiel, and there is no exclusion of the officers of the auxiliary forces. The plan originated with officers of the Regular Army, of whom the number composing the present party principally consists. There are, however, two officers of the Auxiliary Forces who have taken part in the practice from the first, but the attendance at the present time is so large that the room will not afford accommodation for more. The present party only use the room once a-week, and it is open to a second party to apply for its use on other days. I am happy to say that several similar associations have been formed in other places, as Aldershot, Devonport, and Chatham.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

INTERNATIONAL LAW—THE NEW RULES.—MOTION FOR AN ADDRESS.

MR. GATHORNE HARDY, in rising to move an Address to Her Majesty, humbly praying Her Majesty that, having regard to the oppressive and impracticable character of the obligations, hitherto unknown to International Law, which would be imposed on neutral nations through the interpretation placed by the Tribunal of Geneva upon the three Rules in the 6th Article of the Treaty of Washington, and upon the principles of International Law with respect to the duties of neutrals in connection with the subject-matter of the said Rules, Her Majesty will be graciously pleased, in bringing these Rules to the knowledge of other maritime Powers and inviting them to accede to the same, to declare to them, and also to the Government of the United States, Her Majesty's dissent from the principles set forth by the Tribunal as the basis of their award, principles which, by unduly enlarging the rights of belligerent Powers against neutrals, would discourage in the future the observance of neutrality by States desirous of peace—said, he trusted that in bringing on the Motion it would not be supposed that he was doing so in any party interest or with any other object than the interest of the nation at large. It seemed to him that this was a question on which every one might meet on common ground; and, looking at the terms of the Motion, he thought it could not be charged with doing more than setting fairly before the country what in his opinion ought to be done on a subject eminently deserving the attention of Parliament. Every one knew how difficult and complicated the relations of belligerents and neutrals were; the belligerent generally considering himself ill-treated by the neutral, while the neutral thought he was ill-treated by the belligerent. In the case of the civil war in America, there were so many peculiar circumstances connected with that great struggle, and the position occupied by this country with regard to the United States was so peculiar, that both North and South desired to obtain from us what was called a "benevolent neutrality" in place of the impartial neutrality which Great Britain attempted to uphold. It was not part of his duty to defend Lord Russell, but he thought that so far as impartiality was concerned, no one could impute to Lord Russell any other desire than to act fairly between the two combatants. The Northern States were of opinion that they were subjected to an unlawful rebellion, but Lord Russell felt from the time of the blockade of the Southern ports that he had to deal with two belligerent Powers, that it was impossible to treat one differently from the other, and thenceforth the sole object his Lordship had in view, pending the negotiations was to act with impartiality, so that neither of them should have reason to complain of any breach of neutrality on our part. Nor, if our municipal law had remained as it was at the time of the rebellion, could any breach of international law have been justly maintained against us by America. The object of the Treaty was to secure "an amicable settlement of all causes of difference" between the two countries, and it was most unsatisfactory to find that all the questions in dispute had not been referred to the Arbitrators who had charge of them. How, for instance, could a final settlement be expected when the Fenian raid in Canada was excepted? In the remarks that he was about to make on the Award of the Arbitrators at Geneva, he made no more imputation on their fairness or their judicial qualities than one does in appealing from the decision of a Judge to a higher tribunal, in order to have an important point finally settled and placed beyond dispute. He never understood that a Judge thought it a hardship to have an appeal from his decision; and when gentlemen undertake to decide, not only questions of fact, but attempt to lay down general principles for the guidance of the nation in future, it was only reasonable that Parliament—the great Tribunal of this country—should have an opportunity of investigating those principles, and come to a conclusion whether they were satisfied to be bound in future by the doctrines laid down by their Award. He would say nothing about the reasons they had given elsewhere, but he should confine himself to the document itself—although it would be necessary on one or two points to refer to certain *Dicta* of one of the Arbitrators to serve as an illustration of their meaning. He had no need to go into the main point they had in view in the course of the negotiations, and which appeared at a very early period in Earl Granville's instructions—namely, that there should be laid down for the future such a code of international law with regard to the duties of neutrals that should not only be appealed to by the two countries parties to the Treaty, but one that should be recommended to the acceptance of every maritime State of the world for its future guidance, and which should be so specific that there should be no misunderstanding the obligations imposed by it on belligerents and neutrals. Sir Roundell Palmer in 1871, adopting the language used by Lord Palmerston, dwelt much on the point—as did also his right hon. Friend Sir Stafford Northcote, who took part in the negotiations at Washington—that we should have certain definitions to guide us in future. The Three Rules had always been regarded on the part of Great Britain simply as an agreement between the two countries, and not as international law, although they might become international law if, on being accepted by the two States, they were afterwards endorsed by all the maritime nations of the world. It was most important no doubt that the belligerents should be allowed, by any code which might be agreed on, to conduct their warfare without being unjustly injured by the conduct of neutrals; but if he had to choose between those who disturbed the peace of the world and those who were solicitous for peace—those who by commerce hoped to bring about the union of the whole world—he would prefer to secure the neutral from oppression by laying down such Rules as would do perfect justice between all nations, whether they were powerful or weak. If the Rules were in future to be interpreted in the sense which the British Government by the arguments of counsel, and by the *Dicta* of Members of the Government in this House had defined, he would not have thought it necessary to make them the subject of a Motion, but the Rules had been otherwise interpreted. Earl Granville had stated that, if they were not entirely covered by the old Foreign Enlistment Act of 1819, they were more than covered by the new Act of 1870. Of course, if the Rules went no further than an Act of Parliament agreed on by both Houses, Parliament would have nothing to say in contravention of them. But had that interpretation been put upon them? It was, perhaps, necessary to remind the House of the distinction between municipal and international law. Our Foreign Enlistment Act was simply municipal law enacted for the benefit of this country in order that the State might control individuals within its own jurisdiction, and keep them from committing certain acts which were considered as detrimental to the interests of this nation. As it was not international law, no foreign State, no

Prince or potentate, however great, had any right to call upon us to enforce that law. A foreign State might request us to do so, and we might comply with the request or not, as we thought just; but whatever was done, it was incumbent upon us to act with strict neutrality; we were bound to be careful not to put our municipal law in force in favour of one State as against another, or refrain from putting it in force in the interest of one State as against another. Nothing more was required of us by international law. International law might be called an unwritten law acknowledged by all the States of the world. It had been incorporated into the common law of this country, and for the sake of greater clearness and precision in reference to certain executive duties imposed upon us, we had passed enactments in relation to it, which were therefore part of our municipal law. The breach of one in such instances, was the breach of the other. In case of breach the country aggrieved had a right to demand reparation, or that the law should be put in force against those who have been guilty of its infraction; and when a State had been guilty of its wilful infraction, then a *casus belli* would arise between that State and the one injuriously affected. We are told that it was not meant by the Rules to give authority to foreign States to call upon us to enforce our municipal law, but only to ask us to exercise "due diligence" in enforcing it. But if that were so he should not be now addressing the House upon the subject; but an interpretation of so extraordinary a character had been put upon them that it was necessary that the House should come to some clear conclusion upon the subject, and that the meaning of these Rules should not be left in uncertainty so that future Arbitrators should have nothing to guide them. Anyone who read the Award would see that it was not the intention of the Arbitrators to confine themselves to applying the Three Rules to the special facts before them, but further to lay down general principles by which in future the Rules should be interpreted. It might be true, as the Chancellor of the Exchequer had said, that we were not to be bound by the reasons given by the Arbitrators nor by the principles they had laid down; but we had allowed ourselves to be tried on the basis of the Rules, had been judged in accordance with them, and were about to pay £3,200,000 in consequence. It was impossible, therefore, to go to foreign countries on the subject of international obligations without being confronted by the question whether we wished these Rules to bear the interpretation put upon them by the Arbitrators, or whether we wished them to be limited in accordance with the argument addressed to the Arbitrators in our behalf. The Award seemed to be accepted as far as regards our relations with the United States in the past. Was it to be accepted as a guide for the future? If it remained without protest on our part who were the sufferers, there would be no protest by the gainers; and if any controversy arose in the future of a similar kind, we should suffer again, because it was absolutely impossible to fulfil the obligations imposed upon us by the interpretation put upon the Rules by the Award. We had taken great pains to put ourselves in a position to fulfil, far beyond the requirements of international law, our duties as neutrals. We had passed an Act of the most extraordinary stringency—the Foreign Enlistment Act of 1870—which, in one instance at least, reversed all the forms of proof. That Act threw on a man charged with building and equipping a ship for a belligerent the *onus* of proving that he was not guilty. That was a very long step to take, and it showed how determined this country was fully and fairly to discharge the duties of neutrality. But the United States had no such Act. The Act they had, had been described as much weaker than our former Act of 1819. He would not say it was much weaker, but at least it was no stronger, and it would be simply impossible to carry out these Rules under its provisions. Since we passed our Act of 1870, now some three years ago, America had taken no step in that direction. If, therefore, we were to come into collision with the United States on this point, the Government of that country was not in such a position that it could possibly carry out the Rules, because their municipal law would not enable them to do so. The broad inference from the Award was that the Arbitrators had laid down a principle which in itself seemed absolutely wrong. They said that the moment there was a reasonable ground for suspecting the building and equipping of a vessel for belligerent purposes, from that moment, whether the suspicion was founded on legal evidence or not, the sum of our obligations began to accumulate, and unless we succeeded in preventing the vessel from fulfilling the intent for which she was prepared we were guilty. There was no escape from that conclusion. That principle laid it down that we were to be insurers—that we were to insure a belligerent that no subject of this country, no matter in what portion of this great Empire he dwelt, whether here at home, or at the extreme distance of our remote Colonies, should do this thing. Now, he would ask the House whether that was not an intolerable burden—a burden which no country could bear? He was not exaggerating, he felt that he was only describing the true state of the case, because it was on the interpretation of the question of "due diligence" that all this Award seemed to turn. He came now to the Rules of the Award, and it might be convenient to take them in the order which the Arbitrators themselves had adopted. First of all the Arbitrators laid down this principle that "due diligence" ought to be exercised by neutral Governments, not to the best of their ability, but in exact proportion to the risks to which either of the belligerents might be exposed from a failure to fulfil their neutral obligations. What was meant by that? As far as he could understand, it was that you were not to measure the fidelity with which you carried out your obligations as neutrals by your duty, but by what might be the effect upon either of the belligerents. Now, that seemed to him to reverse all the rules of justice. We had a duty to perform, but the very principle of duty was that you were not to look to the results — the results which might be brought about by the performance of your duty—but to do what was right, fairly, freely, openly, and candidly before the world, let the consequences be what they might. That appeared to him to be the first principle of duty; for after all, what was "due diligence," but due diligence in carrying out the municipal law fairly and faithfully, and as far as possible with justice to both parties? Now, it made no difference whatever that there was in the case this peculiar circumstance that the entire Confederate coast was blockaded, though that fact had from the beginning very much complicated matters in the eyes of the United States. But what was the next thing the Arbitrators said? That the facts out of which the controversy arose were of a nature to call for the exercise on the part of Her Britannic Majesty's Government, of all possible solicitude for the observance of neutrality. We were called upon to exercise "all possible" solicitude—that is, to do everything not impossible. But there were a great many things no State could do. No State could possibly control the acts of every inferior servant. It could only do its best. The State could not prevent all offences against itself, as everybody knew. All it could do was to make certain acts criminal, but the criminals might possibly escape, and it would be rather hard to say that this country should be held responsible because it failed to detect persons in the offences which they committed. He came now to one of the most important points in the whole of this case, and that was the new doctrine with respect to commissioned ships. He had here a speech made in the House by Sir Roundell Palmer in 1871 upon a discussion raised by his right hon. Friend the Member for North Staffordshire (Sir Charles Adderley). That speech had been listened to by the whole House with the greatest possible attention, and in quoting from it a passage as to the bearing of international law on commissioned ships no one would question its propriety. Sir Roundell Palmer said—

> "When any ship had once been commissioned as a public ship of war by a belligerent Power over whom we had no jurisdiction, no proceedings or inquiry having previously been held within our jurisdiction as to that ship, we did not consider ourselves bound or entitled to refuse to allow her, like other ships bearing a similar commission, and under the same restrictions, to enter any of our ports."—[3 *Hansard*, ccviii. 881.]

Now, it is quite clear that the United States had always acted on that principle. In fact, the broad question was once raised there, and the United States, through their Attorney General, refused to interfere, on the ground that they would not have it said that they would do so discourteous an act to any Power as to seize on its commissioned ship as if they had jurisdiction over it. A commissioned ship was always considered ex-territorial as regarded the country into which it had entered, and as part of the territory of the country to which it belonged. And although the ship might have been equipped in our yards, and deceitfully and clandestinely escaped from them, yet when it arrived at one of our ports with a commission it must be treated as belonging to one of the belligerent Powers, and if we seized upon such a commissioned ship we should do what no nation had ever done, and we should violate the first principles of neutrality as well as international law. No doubt it was said that the privilege of ex-territoriality was not admitted into the law of nations as an absolute right. That was true. He believed it would be in the power of any State to exclude a commissioned ship. If a commissioned ship came into its waters without permission, no doubt the State would take care to protect itself against such intrusion for the future. But we could not act upon the principle of exclusion without giving notice to the belligerents, and if a vessel commissioned by the Confederates, for instance, which, though suspected by this country, had never been legally condemned, were to be seized without notice, it would practically be an act of piracy. That was a proposition which it was impossible to maintain, and yet it was one laid down in this Award with the same authority as other *dicta* which preceded it. Now, it was necessary that he should carry this argument a little further. Already we were told that a commissioned ship had no exemption, and the other principle laid down was that you were bound to take proceedings against a commissioned ship, even in the absence of previous notice. They would find also the same rule laid down in the case even of the *Florida* which entered a Confederate port, remained for some time, and then issued from port again. But because she departed from our shores and came back to our shores again, was that a reasonable excuse for seizing her? Was the House prepared to say that we should take the position of neutrals with a great State on such a footing as that? Were they prepared to be bound in future to such action as that? The unfortunate Confederates were no more — they could make no reclamations as to what had been done; but we must look upon this as a question which might arise between this country and some of the great Powers of the world; and because a breach of municipal law had been committed on the part of a ship afterwards commissioned, were we to seize her when she came into one of our ports? Did they suppose if such a proceeding took place in the case of France or Russia or the United States it would not at once lead to reprisals? It must, therefore, produce a most formidable effect on the peace and prosperity of neutrals, and, so far from enabling them to perform their duty, would involve them in endless difficulty and danger. Could this country take such a step as to seize a commissioned ship in these circumstances? How was it to be done? This country was a constitutional, not a despotic country; and not only was there no provision of law to justify such an act as the seizure of a commissioned ship, but they would find in that very municipal law recently made so strict —the 32nd section of the 33 & 34 *Vict.* c. 91—an exemption of commissioned ships from such procedure. The Executive had, therefore, no means of guarding against that which was deemed most culpable in their conduct by the Award under which we were suffering. He was very reluctant to quote more than was necessary; but this point had been urged with great force by Sir Roundell Palmer before the Arbitrators. [Mr. GLADSTONE: Hear, hear!] The right hon. Gentleman cheered, and he should be delighted to hear that the right hon. Gentleman approved the reasoning. What did Sir Roundell Palmer say? He asks, with reference to Rule 1:—

> "Does this Rule authorise the Arbitrators to treat it as a duty undertaken by Great Britain to seize Confederate cruisers commissioned as public ships of war, and entering British ports in that character, without notice that they would not be received on the same terms as other ships of war of a belligerent State, if they were believed to have been 'specially adapted, in whole or in part, within British jurisdiction to warlike use?' The negative answer to this inquiry results immediately from the natural meaning of the words of the Rule itself; which plainly refer to a departure from the neutral territory of a vessel which has not at the time of such departure ceased to be subject according to the law of nations to the neutral jurisdiction; and the cruising and carrying on war by which still rests in intention and purpose only, and has not become an accomplished fact, under the public authority of any belligerent Power.—[p. 94.] . . . The Rule says nothing of an

obligation to exclude. If not excluded it would be a flagrant act of treachery and wrong to take advantage of their entrance to effect detention or capture. Their retrospective application cannot make an act *ex post facto* 'due' upon the footing of diligence to the one party in the war, which, if it had been actually done, would have been a wholly unjustifiable outrage on the other. —[p. 96.] . . . It would be impossible that an act which would be a breach of faith and of international law to one belligerent should be held to constitute any part of the 'diligence due' by a neutral to the other belligerent.—[p. 96.]—*North America*, No. 1 (1873).

The next dogma laid down was couched in somewhat milder terms, but it had exercised a most material effect on the Award. It had reference to the "coaling" of vessels. He thought the House, on carefully considering the precise terms of the second Rule, would be at a loss to imagine how it was possible that the question of supplying vessels with coal should be brought into that Rule, when at all times you might supply them with provisions and means of necessary repair. The second Rule said that the neutral—

> "Shall not permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of renewal or augmentation of military supplies or arms, or for the recruiting of men."

That was the Rule. It was clear that the coaling of vessels could not come, at the latter part of the Rule, under the heads of "renewal or augmentation of military supplies, or arms, or for the recruiting of men." So it must come within the former part, "making use of ports and waters of the neutral as the base of naval operations against one of the belligerents." Of course, if a vessel were allowed to come into one of our ports, and there wait until it could go out to take one of the enemy's ships, and then, if need be, return to port to save itself, to get fresh coal and go to sea again, that, no doubt, would be making your port the base of operations. But what should the base of operations mean in the understood international sense? The Lord Chief Justice said—

> "A base of operations signifies a local position which serves as a point of departure and return in military operations, and with which a constant connection and communication can be kept up, and which may be fallen back upon whenever necessary. In naval warfare it would mean something analogous—a port or water from which a fleet or ship of war might watch an enemy and sally forth to attack him, with the possibility of falling back upon the port or water in question for fresh supplies or shelter, or a renewal of operations."

It was remarkable that up to the time of the consideration of the Treaty the United States had never complained of coaling as regarded the Confederates, and the two Powers coaled their vessels on precisely the same footing, only the United States got double as much coal as the Confederates. Whenever they required coal they went and got it. Sir Roundell Palmer said—

> "It is no more intended by the second Rule to take away or limit the right of a neutral State to permit the coaling of steamers belonging to the war service of a belligerent within neutral waters, than to take away the right to permit them to receive provisions or any other ordinary supplies previously allowable under the known Rules of international law."

No change was, therefore, made by the second Rule of international law as to coaling. Yet Count Sclopis held that the *Florida* and the *Shenandoah* both improperly coaled on account of the scene of their operations. The point put by the Arbitrators was this. They said that the *Shenandoah* took in coal at Melbourne; she then went away, and captured a number of whalers in some distant sea, the coals she took in at Melbourne having afforded the means of that capture; but they were not captured in the Melbourne waters; nor did she return to those waters, and there were no means of knowing beforehand what she was going to do. The *Shenandoah* in like manner got the allowance of coals, and returned no more. The Governor of Melbourne simply took care that she did not receive more than the Queen's Proclamation sanctioned, and he did not know whether she went to her nearest port or not. Afterwards she made this capture of the whalers; and that was now called making our ports the base of naval operations. To use the language of the Lord Chief Justice—

> "We have here another instance of an attempt to force the words of the Treaty to a meaning which they were never—at least, as far as one of the contracting parties is concerned—intended to bear. It would be absurd to suppose that the British Government, in assenting to the Rule as laid down, intended to admit that whenever a ship of war had taken in coal at a British port and then gone to sea again as a war vessel a liability for all the mischief done by her should ensue. Nor can I believe that the United States had any such *arrière pensée* in framing the Rule, as, if such had been the case, it is impossible to suppose that they would not have distinctly informed the British Government of the extended application they proposed to give to the Rule."

He wished to know how the Foreign Enlistment Act, as it stood, would enable the Government to enforce as municipal law what was to be made international law by these Rules, because there was no provision in that Act under which we could prevent a lighter within our waters, going out to coal a war vessel; there was no provision in our municipal law which would enable us to interfere; and therefore the impracticability of the Rules was manifest, if we admitted the interpretation under which we were made to pay so severe a penalty. Having dealt with the first part of the case—namely, that which related to the commissioning and coaling of vessels, he would now come to the question of "due diligence," which he would endeavour to treat as untechnically as he could with the view of explaining what "due diligence" had always meant, and what was the only fair meaning that could be put upon it. By the Award, under all circumstances it was made to depend, as he had said before, not upon the duty, but upon the result. It was said that due diligence was in exact proportion to our obligations, and then it was said that we did not take "effective" measures of prevention, that our measures led to "no result;" therefore they could not be sufficient, and that the plea of insufficiency of legal means was of no avail. A nation had a right to expect from another, in the fulfilment of international obligations, an amount of diligence which might reasonably be expected from a well-organized, wise, and conscientious Government, acting according to its institutions and its ordinary mode of conducting its affairs; and it had no right to expect more. This was the ruling of the Lord Chief Justice. We had legal means at least as strong as those of the United States, and for a question to be decided *ex post facto*, upon the Rules, we had a stronger law than ever we had before and much stronger than that of the United States; but should we tolerate its being laid down that though we had gone as far in legal means as we thought it consistent with our dignity and our duty to the country, and though we thought our legal means sufficient, if they were insufficient to carry out this impracticable purpose, we were to be liable to compensate any belligerent whom we did not gratify by carrying out the impossible? With respect to due diligence, it had been laid down that Foreign States have no right to require that where laws, fair and adequate, exist for the repression of offences, the Executive should overstep them. In fact, the Executive Government could not overstep them, because if they did there would be an immediate appeal to the Law Courts, and he was thankful that in this country law was still supreme. The only way in which the Government could overrule the law would be by coming immediately to Parliament and applying for an indemnity for an action which it had taken—they could not take it upon themselves to act in contravention of the law—and if that law did not assist them it relieved us, for all that a foreign country could ask us to do was to fulfil our municipal law. It was not for the honour of the country that it should submit to have its municipal law dictated to it by any belligerent whatever. It was for the country to decide itself how far it would control its citizens in the free exercise of their trade, and how far it would limit the power of its citizens and officers. It was not for any foreign country to complain that we had not made such a law as a belligerent might think necessary for its protection. The Arbitrators said practically that legal evidence was not required, and that all that was necessary to justify action was reasonable ground of suspicion. We replied that it had never been our custom to act upon suspicion without legal evidence. If we acted without it, what was the result? If we prosecuted and failed, we did more mischief than we should if we did not prosecute at all. The failure of such proceedings did infinite harm, because they exposed the weakness of the law and assisted those who wished to evade it. It was said by Sir Roundell Palmer—

> "It would be unreasonable and impracticable to require that it—due diligence—should exceed that which the Governments of civilized States are accustomed to employ in matters concerning their own security or that of their citizens."

Was that a fair test? It was a true one. We should use such diligence with regard to belligerents as was demanded by our own Imperial interests, and if that was done, that was all that could be fairly required. The Award adopted a totally opposite principle — that the failure to prevent was equivalent to the want of due diligence. He wished to call the attention of the House to another important point. It had been laid down by Sir Roundell Palmer that if the Government of a civilized nation had made reasonable provision for the prevention of illegal acts, and it proceeded to deal with all cases according to its accustomed methods of civil administration, it could not, for accidents and errors which no human foresight could foresee, be regarded as wanting in due diligence. On this point he would refer hon. Members to the argument of Sir Roundell Palmer as contained in the *Gazette*, pages 4,623 and 4,637, in the course of which he said—

> "Without timely information and evidence of a legal kind sufficient and proper to constitute a 'reasonable ground of belief,' no obligation to use any such diligence arises, and the Government of a civilized nation cannot be held wanting in due diligence if, having made reasonable provision by law for the prevention of illegal acts of this nature on the part of its citizens, it proceeds to deal with all such cases in a legal course according to its accustomed methods of civil administration. This is, in fact, the 'diligence,' and the only diligence which is, in such cases, generally 'due' from an independent State to a foreign Government; and from this it follows that accidental and unintentional difficulties or delays, or even slips and errors, such as are liable to result in the conduct of public affairs, and from the nature of the subordinate instruments by which, and the circumstances under which, civil government is necessarily carried on, and against which no human foresight can always absolutely provide, ought not in themselves to be regarded as evidence or proofs of a want of 'due diligence,' where good faith and reasonable activity on the part of the Government itself have not been wanting."

But what said the Award? It said that the judicial acquittal of the *Florida* at Nassau could not relieve Great Britain of responsibility for what had actually taken place. Now in that case we had actually brought that vessel before one of our law courts, and she was acquitted; yet that decision was disregarded by the Tribunal. It was impossible that any Government could interfere with its judicial authorities. Even the United States, in their argument admit that, and no Judge would submit to be so instructed, and no Minister, however powerful, would ever think of attempting it. That being so, how was it that the Award laid down that the judicial acquittal was not sufficient to set this country free from its obligations? The Arbitrators had made the results alone, and not the intermediate acts connected with it, the test of due diligence. They would not allow the steps that were taken to weigh in the balance at all. The *Florida* was acquitted on the trial at Nassau for the want of sufficient evidence, but the Arbitrators said that they could not enter into the efforts made to prevent her escape from Nassau. They said, in fact, that she was once there—that she was suspected—that she escaped—that she became a Confederate cruiser—that she did a great deal of mischief which we took no adequate means to prevent—and that we must be responsible for all the injury which she did. He was not going to enter into the past. Those who desired to do so would have an opportunity when they came to pay the bill and hear how the Chancellor of the Exchequer proposed to raise the money. He spoke solely for the future, and with the view that this insufferable burden should not be placed on neutrals with a weight which rendered it impossible for them to discharge their duties to belligerents, and which would inevitably drag them into war as the lesser of two evils. The *Shenandoah* coaled at Melbourne, and people got on board of her clandestinely at night. In spite of all the precautions of Sir Charles Darling and all the orders of the Government, through the negligence of a policeman, and on a dark night, men got secretly on board her; and because she coaled there we were made responsible from that moment for all the mischief she did to the commerce of the United States. These were things over which no Government could have effective control. It was impossible to prevent a subordinate being negligent, or a policeman from going to sleep, or to hinder the occurrence of a dark night. The Lord Chief Justice well said—

> "To hold under such circumstances that because the local police were not as vigilant as they might have been, or because under cover of the darkness men may have contrived to elude their vigilance, a nation is to be held liable for damage done by a vessel to the extent of a claim of many millions of dollars would be to carry the notion of 'due diligence' to an unheard of and unwarranted length, and would be calculated to deprive the decisions of the Tribunal of respect in the eyes of the world."

Well, were we to go on with Rules capable of such interpretation by future Arbitrators? Was there anything unreasonable in asking the Government to take steps to prevent our being made liable for any such result? It was quite clear the Rules were not self-interpreting; and any one who read them for himself would put upon them an interpretation much more moderate than that of the Award. No doubt, when the hon. and learned Gentleman the Attorney General came to speak he would differ from the interpretation of the Arbitrators, Why should we fall blindfold into difficulties such as those we had just emerged from at great expense? It might be that we had cheaply purchased friendly relations with the United States; but if the Rules were fatal to our neutrality hereafter, the result might be deplorable. Was it reasonable to ask for these explanations? Was it a breach of the Treaty or would it interfere in any way with a due regard to our Treaty obligations? Perhaps he might be permitted to refer to what occurred a couple of hundred years ago. In 1674 we entered into a remarkable Treaty with the United Provinces, enabling them to carry all kinds of things which were not contraband. It proceeded to enumerate in minute detail everything that was contraband, and things which were not. In spite, however, of the legal accuracy and careful manner in which the Treaty was drawn up, difficulties arose as to its construction, and in 1675 the parties to it issued an explanatory declaration as to its "true sense and intention." Thus, instead of waiting until a dispute arose, they, in the following year, clearly and specifically declared what was the intent and meaning of the Articles. He hoped that in 1873 we should adopt a similar course with reference to what was done in 1872. To show that he was not asking for anything which was in the least unnecessary, he would call the attention of the House to what passed in the debate in 1871. First, however, he would remark that if the Government were to state to the House that they thought the Rules so unsatisfactory that they would not recommend them to other nations, and that they would not attempt to make them the law of maritime States, his task was completed, and he should have nothing more to say; but if on the other hand they were going to recommend them, it was necessary, as he contended, to recommend them with sufficient and accurate limitations. In the course of the debate in 1871, Sir Roundell Palmer spoke in that House with great authority on the subject of these Rules, for which, not being in office at the time, he was in no way responsible. The right hon. Gentleman said—

> "With regard to the second Rule I confess when I read it first I was somewhat alarmed." Then on an assurance which does not cover coaling, he adds—"It would be unbecoming in me to criticize any longer the vagueness of the language in which this Rule is couched; and, without doubt, this construction of it will be clearly laid before those other foreign Powers who are to be asked to accede to it."—[3 *Hansard*, ccviii., 893.]

In the same debate my right hon. Friend the Member for Devonshire (Sir Stafford Northcote) said he considered the second Rule needed explanation. Consequently, it was clear that whenever it was submitted to other countries for acceptance by them, it must be accompanied by an explanation limiting it in the manner indicated by Sir Roundell Palmer. The right hon. Gentleman at the head of the Government himself stated that that Rule, as understood by Her Majesty's Government and by the British and American Commissioners, was intended to apply to vessels cruising or carrying on war, and not to the case of military supplies and arms exported for the use of a belligerent from a neutral port in the ordinary course of trade; that questions as to the meaning of the second Rule had already arisen; and that both this Government and the Government of the United States accepted it on the understanding that it would be accompanied by a declaration limiting and defining its application. He would go still further. When the Indirect Claims were raised by the United States it was proposed that by a Supplemental Article they should be excluded from the Treaty. What was that but an explanation? With these precedents it was surely not unreasonable to ask that there might be such an explanation of these Rules that there might be no mistake hereafter. We never entered into the Treaty which the Award supposes we did—

> "Non hæc in fœdera veni."

and we must take steps for the future that we fall into no such difficulty as we have done in the past. In all the arguments adduced in favour of the Treaty by the right hon. Gentleman opposite (Mr. Gladstone), his right hon. Friend near him (Sir Stafford Northcote), by Count Sclopis, and other speakers, it was said that the Treaty was worth nothing unless its Rules were consecrated and confirmed by being made international law. The right hon. Gentleman at the head of the Government remarked—

> "A great concession has been made to America, but that great concession lies in this—that we have consented to go to arbitration as to whether there was any defect in the administration of our municipal law. . . . . We have had nothing to add to claims which America was already able to establish against us out of our own mouths, while we have obtained the basis of that understanding which, I hope, will harden and widen into an international law for the benefit of the world. . . . . That Treaty has laid the foundation of future advantage in the administration and action of international law."—[3 *Hansard*, ccviii. 915.]

Could it lead to such a result unless it were made clear, distinct, and definite? England reaching far over the world with Colonial Dependencies in every sea, it was impossible that she could be far reaching enough to effect the objects which were laid down as absolutely imposed upon her in that Award. It was impossible to prevent belligerent ships coaling in her waters. What England wanted was a law definite and intelligible to which she could really appeal, by which she could know, as a belligerent, how to deal with neutrals, and by which neutrals would know how to deal with her—a law by which she could carry on her own affairs as a neutral without laying herself open to those indefinite, those enormous, and those preposterous—as the Lord Chief Justice called them—Claims, of the extent of which we know something in the past, but of which we know nothing in the future. Let hon. Members bear in mind that ours was a Constitutional Government, and that nothing could be done against property or liberty without the assent of that House and of Parliament. Having passed laws sufficient for the protection of our own subjects, were we willing to place ourselves at the beck and bidding of any foreign State, and to enact laws which were wrong in themselves, which were contrary to international law, and which would bring about the very evils they were designed to avoid. Of course, we must now bow without complaint to the decision of the Arbitrators, but we ought, at the same time, to provide for contingencies which might arise in the future. He could not conclude his remarks without calling attention to what Sir Roundell Palmer said in the admirable argument which he finally addressed to the Tribunal of Geneva. The right hon. Gentleman said—

> "Rules of this nature, which could rationally be supposed proper to be proposed for general acceptance to all the maritime Powers of the civilized world, must evidently have been meant to be interpreted in a simple and reasonable sense, conformable to, and not largely transcending, the views of international maritime law and policy which would be likely to commend themselves to the general interests and intelligence of that portion of mankind. They must have been meant to be definitely, candidly, and fairly interpreted; not to be strained to every unforeseen and novel consequence which perverse latitude of construction might be capable of deducing from the generality of their expressions. They must have been understood by their framers, and intended to be understood by other States, as assuring the continuance and involving in their true interpretation the recognition of all those principles, rules, and practical distinctions, established by international law and usage, a departure from which was not required by the natural and necessary meaning of the words in which they were expressed; they cannot have been meant to involve large and important changes, upon subjects not expressly mentioned or adverted to by mere implication; nor to lay a series of traps and pitfalls, in future contingencies and cases, for all nations which might accede to them. Great Britain certainly, for her own part, agreed to them in the full belief that the Tribunal of Arbitration, before which these claims would come, might be relied upon to reject every strained application of their phraseology which would wrest them to purposes not clearly within the contemplation of both the Contracting Parties, and calculated to make them rather a danger to be avoided than a light to be followed by other nations."

He should not have quoted the arguments of Sir Roundell Palmer as an advocate, but that he had made those arguments judicial by what he had said within the last few days. Lord Selborne said—

> "I did not offer to the Tribunal at Geneva any arguments on subjects of International Law other than those which I honestly believed to be sound and correct. Nor do I suppose that the Government have changed their views on account of any opinion which on the face of the Award, or off the Award, may have been expressed by any of the Arbitrators. . . . . I do not hold that we are bound by any propositions which do not commend themselves to our reason and judgment with regard to the grounds of their opinion. , . . . If we continue to interpret the Rules (as I think we shall) as we did from the beginning, then we shall expect from the United States a faithful and punctual observance of them according to that interpretation. Under that we have sufficient powers conferred upon ourselves, and I do not think we shall be under the necessity of asking Parliament to arm us with any fresh powers."—[3 *Hansard*, ccxiv. 44-47.]

It appeared that the noble Chancellor was of opinion that by such an interpretation we might secure ourselves, that we should not have to alter our municipal law, and that we should be able to act under it without coming to Parliament for new powers. If the interpretation of the Award by the Arbitrators were accepted, it was easy to gather from the argument that it must be necessary to come to Parliament for powers, and yet the United States, which was equally bound with ourselves by these Rules, remained under the old law of 1819, under which she could not carry out one-tenth of the propositions laid down. The last extract with which he would trouble the House was a statement on the part of the President of the Tribunal at Geneva, little thinking how inconsistently he had acted in regard to the principles affirmed by him in this statement. He said—

> "We must beware of rendering the condition of neutrals too difficult and almost impossible to be maintained. The importance of circumscribing war is a matter of continual remark, and if neutrals are to be overwhelmed with a burden of precautions and the weight of responsibility which is in excess of the interest they have to remain neutral, they will be forced to take an active part in the war, and, instead of a proper inaction, we should have an increase of hostilities."

In conformity with that view, he had couched the Motion which he had submitted to the House. He had endeavoured to prove, and to his own feeling he had succeeded in proving, that there were principles laid down in the Award which were fatal to the interests of a neutral. If they were to submit these Rules to maritime States, it was most important that they should give an interpretation of them and negative that which had been given, so that they might go to a future arbitration upon plain and intelligible grounds. Let them look forward to a future, not like the past, of indefinite anxieties and prolonged troubles, such as they had gone through in connection with the American War, but to certain, precise, and definite rules by which they were ready to abide, to the honour and dignity of this country, and to the advantage of every nation, whether neutral or belligerent.

Amendment proposed,

> To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying Her Majesty that, having regard to the oppressive and impracticable character of the obligations, hitherto unknown to International Law, which would be imposed upon neutral nations through the interpretation placed by the Tribunal of Geneva upon the three Rules in the 6th Article of the Treaty of Washington, and upon the principles of International Law with respect to the duties of neutrals in connection with the subject-matter of the said Rules, Her Majesty will be graciously pleased, in bringing these Rules to the knowledge of other maritime powers and inviting them to accede to the same, to declare to them, and also to the Government of the United States, Her Majesty's dissent from the principles set forth by the Tribunal as the basis of their award, principles which, by unduly enlarging the rights of belligerent powers against neutrals, would discourage in the future the observance of neutrality by States desirous of peace,"—(*Mr. Gathorne Hardy,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. W. E. FORSTER said, there was much in the moderate and, he need not add, the able and eloquent speech of the right hon. Gentleman (Mr. G. Hardy) in which he entirely concurred, although he feared he must ask the House to listen to a few arguments to show why the Government could not accept the Motion, and why, indeed, the right hon. Gentleman, after some explanations, would not, he trusted, wish to press it. He would, in the first place, touch cursorily upon one or two arguments which perhaps did not affect the main line of the argument. He understood the right hon. Gentleman to say that if our municipal law had remained as it was, no charge of a breach of international law would have been made against us.

Mr. GATHORNE HARDY: What I said was "could be justly maintained against us." I said my belief was that we had not been guilty of an infraction of our municipal law.

Mr. W. E. FORSTER was glad of this explanation, because his Colleagues and himself had understood the words in another sense. He himself believed that if our law had been at the time of the American War just as it was at present, the House would not have had any occasion for this discussion. He strongly felt that it was very much owing to the ambiguity of our municipal law that any *Alabama* escaped, or that any of these facts occurred which induced the Americans to make these claims upon us. He must really demur to the statement of the right hon. Gentleman that no charge could have been maintained against us if our law had remained as it was. The

House must remember that the alteration made in the law in 1870 only made clear the Act of 1819, and did not go much beyond the acknowledgment of international obligations which had been made by both nations, and, indeed, generally by the civilised world. The right hon. Gentleman spoke of the Act of 1870 as a very stringent one; but it was the result of an investigation into all the circumstances that had occurred. It was in accordance with the Report of a Commission of which he happened himself to be a member, but which included the Lord Chancellor, the hon. and learned Member for Oxford (Mr. Harcourt), and several other high legal authorities, and the Act was the result of the unanimous Report of that Commission. The right hon. Gentleman (Mr. G. Hardy) said that no belligerent had the right to call upon a neutral to carry out its own municipal law. But what, after all, was the object of municipal law? It was to take care that the Sovereign of the country should secure that none of her subjects should wage private war with any country with which that Sovereign was at peace, and to oblige her subjects to observe the duties of neutrals. It was to a certain extent the acknowledgment of what was the duty of a neutral, and it could hardly be expected that a belligerent would not remind the neutral of its own municipal law, and ask for its enforcement. However, he very much agreed with the right hon. Gentleman as to the true meaning of the Rules in question; and as to what the Government—and he did not doubt the English nation—considered to be their true interpretation. But then came the question, were the Government and the House to accept the Motion as the right hon. Gentleman made it? It was impossible to deny that the Motion was a Vote of Censure upon the Arbitrators. [Mr. GATHORNE HARDY dissented.] The right hon. Gentleman shook his head; but if the House recorded the Resolution proposed by the right hon. Gentleman, he thought it would be impossible to deny that it would be regarded as a solemn condemnation of the Arbitrators and the decision at which they arrived. The Resolution did not accuse them of any corrupt motive, but it was difficult to find stronger words than those which it contained. He did not doubt the power of the House to pass a Vote of Censure upon the Arbitrators; but was that course incumbent upon them, or was it a dignified course to adopt? The Treaty set forth that the Contracting Parties agreed to observe these Rules as between themselves in future, to bring them to the knowledge of other maritime Powers, and induce them to accede to them. The right hon. Gentleman said that we ought to accompany these Rules with the statement of our opinion on the question of their interpretation. But our present position was that, after the signature of the Treaty, there was a correspondence between the two Governments as to the best mode of making a joint communication of the Rules to other Powers. It was clear that the Treaty, following the example of the Declaration of the Congress of Paris, looked forward to such joint communication, and the House would agree that it would be much better that there should be a joint communication than that each Contracting Party should send with the Rules its own separate interpretation. That correspondence was interrupted by the discussion relative to the Indirect Claims. The last letter in that correspondence was written on our side, and it remained with the United States Government to re-open that correspondence whenever they felt disposed to do so, when Her Majesty's Government would be fully prepared to continue it. It would appear from the speech, although not from the terms of the Motion of the right hon. Gentleman (Mr. G. Hardy), that he was of opinion that no time should be lost in bringing these Rules before the foreign Powers, coupled with a declaration that we disagreed altogether from the principles upon which the Award had been made. But on that point he (Mr. W. E. Forster) thought the House would support Her Majesty's Government in claiming a right to use their discretion as to the best time both for communicating these Rules to foreign Powers, and for asking the United States to join with us in making that communication. He thought he could claim that forbearance with an almost certainty of success, especially after the remarks which had fallen last night from the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli.) He had understood the right hon. Gentleman to say that this matter of the communication of the Rules to foreign Powers was of such immense importance and of such great difficulty, that even if he had at once taken the reins of office it might be weeks or months before he should feel himself able to state to the country what ought to be done with regard to it. The right hon. Gentleman had certainly added that when he did take any steps in the matter he should act with energy and decision. He did not doubt that the right hon. Gentleman would act with energy and decision on this or on any other question with which he had to deal. He trusted, however, that his noble Friend, the Foreign Secretary (Earl Granville) would adopt a similar course. He trusted, however, that if the right hon. Gentleman had had to conduct this matter he would have also acted with prudence and not with undue haste, and would have shown that he was not to be carried away upon the mere impulse of the moment. There were two or three reasons why Her Majesty's Government did not think there was any immediate ground for pressing the United States to join us at the present moment in making this communication to Foreign Powers. In the first place, all the engagements of the Treaty had not yet been carried out, and it would be desirable to wait until those engagements were fulfilled before we proposed to take any steps in this matter. In the next place, it certainly would be advisable to let any heat that might have arisen in either country in consequence of the Indirect Claims cool before we pressed the United States to come to this joint understanding with us on the subject of these Rules. In the third place, the House must remember that the United States and England occupied at the present moment a very remarkable position with regard to the rights of belligerents and neutrals. Until the late American War the United States had always been the champion of neutrals, while this country had always been the champion of belligerents. For some time international law had been constantly varying, and had been greatly influenced by the development and more complete recognition of two principles apparently somewhat conflicting—firstly, that it was the duty of every Sovereign authority to prevent its subjects from waging private war on nations with whom it was at peace; and, secondly, that the commercial rights of neutral nations should be interfered with as little as possible by belligerents. But when the American nation found itself engaged in a war for its very existence, it found that its interests almost of necessity required that it should strengthen as much as possible the rights of belligerents. It was impossible not to expect that in the course of time America would in some degree revert to her former position and support the rights of neutrals as against those of belligerents. Under these circumstances it was undesirable that we should press the American Government to arrive at an immediate decision with respect to these Rules, and that we should give that country time to recall to its recollection the course it had always pursued during its past history. It was not improbable however, that the right hon. Gentleman would say that the Award, and the principles on which it was arrived at, as well as the interpretation which had been put upon the Rules by the Arbitrators were so fatal to the rights of neutrals and were so dangerous to the peace of the world that we ought at once to enter our protest against them. But what was our present position in relation to this subject. As regarded Governments other than the United States, we were not bound by the interpretation which had been put upon the Rules in the Arbitration, by the principles which had been enunciated by the Arbitrators, nor even by the Rules themselves; neither should we be bound by them until we had asked some foreign nation to accede to those Rules, and until such nation had accepted them. As regarded the United States Government we were bound by the Rules. They were contained in a solemn Treaty, and we were therefore fully bound by them as construed according to the ordinary construction of the English language. But we were not bound by any opinions which had been expressed with regard to those Rules by any of the Arbitrators. We were not bound by any statements by any of the Arbitrators in the Conference that had been held previous to the Award being arrived at. Neither this country nor America was bound by any statements which had been made by Mr. Adams, whose name he could not mention without expressing his belief that he had fulfilled his duty as the representative of the American nation in this country in such a way as to make him believe that if all matters of difference had been left in his hands there would have been no occasion for Arbitration. We were not bound by the most eloquent and able statement of our own Arbitrator, the Lord Chief Justice of England, who had vindicated the principles of British Law and the rights of this country with all the more power because he never forgot his position as an impartial Arbitrator. We were not bound by the arguments of our learned Counsel (Sir Roundell Palmer), although he need not say that we were grateful for those arguments. But we were bound in honour by our own declarations and our own statements which were contained in our Case, our Counter-case, and our Summary furnished to the Arbitrators. Was it not better, under these circumstances, to leave the matter where it stood for the present? We had agreed with America to abide by certain Rules; we were prepared to abide by those Rules according to any fair and reasonable construction which the English language would permit to be put upon them, and we had set forth in our Case, our Counter-Case, and our Summary the interpretation we put upon those Rules as applied to particular facts. What more was it desirable that we should do? Surely the right hon. Gentleman did not desire that the Government should enter into a controversy with the four Gentlemen who had signed the Award?—a course which he conceived would not be advisable, and would not conduce to the dignity of this country. He could hardly believe that the right hon. Gentleman intended to press this Motion, which, if carried, would mean that that House thought it necessary to declare that the Arbitrators had decided the question between ourselves and the United States in a perverse manner, and upon impracticable principles. Such a declaration on our part would make it appear to the whole world that we were rather smarting on account of having to pay a certain sum of money, and that we desired to censure those who had decided against us. But if a Vote of Censure of this kind were to be passed at all, its terms should be precise, while those contained in the right hon. Gentleman's Motion were not precise. He could imagine many reasons why the right hon. Gentleman should confine his Motion to the interpretation of the Rules, but he must demur to the Award being spoken of as in any sense an "interpretation." It was simply a statement of the opinions of the Arbitrators as to what they conceived to be the principles of international law. As to the construction put on the words "due diligence," he quite concurred with the right hon. Gentleman in regarding it as extraordinary; but it was not, he thought, to be looked upon as an interpretation of those words, but as, in reality, the opinion which the Arbitrators thought fit to recommend, as what they conceived to be the principles of international law. He could understand that the right hon. Gentleman might think it incumbent on the Government to protest against a positive interpretation of the Rules because they did not admit that they bore the interpretation which was placed upon them. He could not, however, imagine the House entering into a dispute or controversy with the Arbitrators as to what were the principles of international law. If the Arbitrators put upon those principles a certain interpretation, the Government did not consider that they had any right to bind us to that interpretation. Indeed, they certainly believed that such a doctrine as that laid down with regard to "due diligence" would not be looked upon as an interpretation of the first and third Rules. They were also of opinion that there was in the second Rule nothing to prevent the ships of belligerents being in some cases coaled in our ports. But they went further, and maintained that it was not the business of the Arbitrators to make any interpretation whatever of the Rules. The position in which they stood with respect to the Arbitrators was simply that they obeyed their Award, that they acknowledged the power which had been conferred on them to adjudicate on the disputes between England and the United States; and that they thanked them for their patient investigation of the circumstances. After all it must be remembered that, in the course of the Award, we occupied much the same position as the parties to a law suit, who, if they were defeated, ought not to complain of the decision of the Judge unless they believed him to have been actuated by corrupt motives. But, although we might obey the decision of the Arbitrators and thank them for the manner in which they had conducted their investigation, it was not necessary to protest against any of the opinions which they might have thought fit to give, either on the principles of international law or the Rules themselves, because it was not admitted that it was their duty to express any such opinions. He contended that the Arbitrators had no power to decide on the principles of international law for the future, and he refused to acknowledge their authority as legislators. There was another reason why he hoped the Motion would not be pressed to a division. It was no doubt desirable that this country and the United States should agree on a joint communication—that was contemplated by the Treaty; but the passing of the present Resolution would make such a joint agreement impossible. The result of its passing would be the commencement of long and fruitless discussions between us and the United States, the object of which he could not conceive. He was ready to admit that it would be advisable to incur the inconvenience of such discussions and controversies if it could only be shown that it was the best way, or indeed any way at all, of avoiding being bound by the principles contained in the Award. He, however, maintained that this country was in no way bound by the opinions of the Arbitrators, but by the Rules and the ordinary construction of those Rules. He would merely add that it rested with the United States to re-open the correspondence in the matter, and that the Government would be prepared, when they thought fit to do so, to endeavour to agree with the United States in so presenting the Rules to foreign nations as to prevent any misconception of their true meaning, and in such a manner as to insure their being accepted by other countries in the sense in which they had been assented to by our own Government and that of America. Of course, if there should be a difficulty in arriving at that joint understanding, the joint promulgation of the Rules must be postponed until that difficulty had been surmounted. He must, however, express it to be his opinion that the difficulty would not be found to be insurmountable, unless the negotiations on the subject were hampered and rendered almost impossible by such a Resolution as that now under the consideration of the House.

MR. VERNON HARCOURT had hoped that the right hon. Gentleman (Mr. W. E. Forster) would have been able to make on the part of the Government a statement more satisfactory to those who sat on the same side of the House as himself. The House of Commons stood in a somewhat peculiar position with respect to the subject under discussion. On the first night of the Session the right hon. Gentleman at the head of the Government informed the House that the Rules had been communicated to foreign nations—a statement which, however, had afterwards been set right. The Chancellor of the Exchequer also stated that we were under Treaty obligations at once to communicate those Rules without note or comment—to use the phrase employed by a public journal in commenting on the language of the right hon. Gentleman the next day. Now, the right hon. Gentleman who had just spoken, had told the House that they ought not to pass the Resolution before them, because it would amount to a censure on the Arbitrators. He must, however, protest against the House of Commons being treated in that way. They had heard a little too much lately about Votes of Censure. The Arbitrators might not, perhaps, be able to resign—he did not see how they could—but if they could they might not find themselves in a very much worse position soon after. But, be that as it might, Votes of Censure were not, it was quite clear, such formidable things after all; and if the House of Commons was not to pronounce an opinion on our foreign relations because, in doing so, it might be considered as a Vote of Censure, or because it might displease some parties abroad, what, he should like to know, was to be thought of the position of the House as managing the affairs of this great nation? He was one of those who held the opinion—and he was ready to take on himself a portion of the blame—that the House of Commons too much abdicated its functions, and that if it had evinced more courage at an earlier stage of those discussions the country would not be placed in the difficult position in which she now found herself. His right hon. Friend the Vice President of the Council said it was not desirable to enter into a controversy with the Arbitrators; but such language showed a most extraordinary misapprehension of the Resolution. The Resolution did not propose any such controversy. We were, of course, much obliged to the Arbitrators for the pains they had taken, but we had nothing more to do with those gentlemen. The Resolution did not ask the Government to address the Arbitrators, but when it communicated the Rules to other nations to express their opinion as to the operation of those Rules. Controversy with the Arbitrators was entirely beside the question. He would also remind his right hon. Friend that it was an entire misapprehension of the whole character of international law to say that we had nothing to do with the opinions which the Arbitrators had pronounced. He could see no distinction between the miscarriage of these Rules and miscarriage upon international law generally; and if there had been a miscarriage in respect of these Rules, it was the duty of the House to protest against that miscarriage of international law. What was international law? It was constructed out of the precedents furnished by great transactions. That with which the House was now dealing was a great transaction, and the opinions of the Arbitrators upon it constituted part of that great mass of precedents by which international law itself was constituted. It was a question, therefore, upon which it became necessary that the opinion of the House of Commons should be pronounced, and it had, he believed, been brought forward by the right hon. Gentleman opposite in no party spirit. That was no question for party. It was a question in which all parties alike were interested; and not only the future destinies of this country, but the peace of the world was involved in this issue. The right hon. Gentleman opposite (Mr. Disraeli) the other night said that was a much larger question than that of Irish University education; and it was a larger question exactly in proportion as nations were greater than Colleges, and as mankind was greater than the class of undergraduates. Now, he did not object to that transaction because he objected to the principle of Arbitration. That was a principle which he always had and always would, to the extent of his humble ability, advocate and promote, believing that it was for the highest interests of civilization that the rule of reason and of justice should be substituted for the barbarism of war. Arbitration, he thought, never could supersede diplomacy; he hoped it would be in the future to a greater extent than it had been in the past the handmaid of diplomacy. It might, and he hoped it would, be made the great peace-maker of nations. But it was necessary, in the interest of the great principle of arbitration, that they should in some form or other express their dissent from the doctrines of that Award. That Award, which assumed to settle existing quarrels, in fact sowed the seeds of further quarrels; it bred more dangers in the future than it could have averted in the past; and, in his opinion, it would be a fruitful source of universal dispute. Instead of circumscribing, as it ought to have done, the area of war, the doctrines which it laid down were such as must extend the area of war by discouraging, as the present Motion said, the practice of neutrality. Therefore he could not but regard the doctrines of that Award as resembling the Anarch spoken of by Milton, who, "by decision more embroiled the fray." Let them disengage if they could the cause of arbitration from those doctrines, and endeavour, for the sake of the principle of arbitration, to defend its character against that most unfortunate miscarriage. Let them endeavour to satisfy themselves and the world that arbitration did not necessarily involve in its consequences the promulgation of unsound principles and the establishment of dangerous precedents. He had the honour to receive that week two communications from abroad on this subject; the one from a gentleman coming from the United States, bearing letters from one of the most distinguished American jurists; the other a long paper from a very eminent Belgian jurist; and both communications invited the co-operation of students of international law in the cause of arbitration. The only answer he could give to them was, that there never was a time less encouraging for such a project than the present in consequence of recent events. There was some reason to believe that the opinion of American jurists on the doctrines laid down in that Award were not very different from those entertained in this country. It was not because the sentence had been given against us that he made these objections; for, as the Motion pointed out, what they protested against was not the decision itself, but the doctrines which were to bind them in future, as they would be bound, unless they protested against them, as connected with those Rules. He had always thought that upon the old Rules of international law in the case of the *Alabama*, this country might have set up and established a justification; but he had never wished that we had succeeded in establishing such a justification. He had believed that precedent was injurious to England, and thought the case itself was of evil example to mankind. Therefore he had never been desirous that there should not be new Rules laid down in that matter. There could be no doubt that the state of international law on the subject was most unsatisfactory. International law, as he had ventured to say, was a law of public opinion of States. It was very much like our constitutional law, where the limits of powers, theoretically independent, were practically settled by precedent and opinion. And although, on the ground of its very nature, it could never be made the subject of rigorous codification, at the same time where they had disputed points which had frequently led to difficulty they might—as they did in the Declaration of Paris, and as they attempted to do under these new Rules—endeavour to settle difficult points, and bring them to some clearer and more definite understanding. Therefore, he had not objected to the principle of laying down some new Rules in such a case. Neither had he objected—on the contrary, he had sought to defend—the giving to those Rules even a retrospective effect. And for this reason, that although there was a popular and, perhaps, not unnatural prejudice against the retroactive operation of laws of any description, if they desired to modify the law of nations—and it was impossible to say that those Rules were not intended to modify the law of nations; in fact, there was a specific article in the Treaty which declared that they had modified it—if they desired to modify the law of nations they could not expect the United States to join them in that modification unless they gave that country the compensation of the retrospective action of the Rules. The indemnity we paid in respect to the retrospective action of the Rules was, in fact, the consideration we gave to obtain in a matter of great consequence to ourselves a clearer and more decided law in future. And this he had always thought justified the Government in the course they took on that point. Therefore he had regarded it as a statesmanlike arrangement, and one deserving the support of Parliament. He did not complain, then, of the Rules because they were new, nor because they were retrospective in operation; but then it was essential that they should give precision to the law; and, unfortunately, that was exactly what they had not done. They failed in fulfilling the condition for which alone it was justifiable to have new Rules at all. So far from making the law of nations clearer and more definite, they would deeply compromise the future interests of peace; and, therefore, we had lost the very consideration which alone made it worth while for us to give to America the indemnity to which he had referred. He did not want to be too severe in his criticism of those Rules, and, therefore, would only say they appeared to have been drawn about as accurately as an average modern Government Bill. They had evidently puzzled the Judges abroad, quite as much as some Acts of our Parliament of late years had puzzled the Judges of Westminster Hall; and if the Judges abroad had come to a conclusion exactly opposite to that which was intended, why that was only what was occurring every day in our own domestic legislation. How had that arisen? They had been told—and it was a very singular fact—that the Government never had, in this country at least, a professional opinion on those Rules. The Attorney General had told them that he had never seen the Washington Treaty, and that the opinion of the Law Officers of the Crown had not been taken on that Treaty or on the Rules. This was a very different course, he believed, from that adopted by former Governments; for in the great difficulty in which England was placed by the Trent affair, not merely was the opinion of the Law Officers taken, but certain persons—at least one person—eminent for a knowledge of international law—was sent for by the Cabinet and consulted by them. Therefore, as regarded the Washington Treaty and the Rules, the Government was *inops consilii* as far as the law of the case was concerned. He would say nothing against the Commissioners at Washington, who, in his opinion, were not responsible for what had been done; and nothing could be more unfair than to lay the blame on the wrong shoulders. He had heard the most undeserved censure passed upon them. He had the honour of the acquaintance, and he hoped of the friendship, of Mr. Mountague Bernard, and he ventured to say that there was no jurist in or out of England who was more competent than that Gentleman to deal with such a matter. But what the experience of that case had shown was the great imprudence of attempting to settle the law of nations by the electric telegraph. It might be desirable in many cases to settle matters on the spot, but in a case like that now under discussion much more consideration ought to have been given. It had been said of the celebrated Queen of Bohemia that misfortune came upon her because she "would be a Queen." He thought that misfortune had come upon our Government through their saying that they "would have a Treaty." It might be asked, why did he say these things now, and why had he not said them before? Well, he had felt an almost invincible repugnance to the idea of interfering with a Treaty in its progress. He felt the responsibility of interposing any obstacle to a settlement with America, but he felt that we had committed a mistake, and that had the matter been more fully discussed in the House our position would have been better. He entertained at the time, however, so much doubt with reference to the second Rule of the Treaty, and the danger which might arise from its ambiguity, that he was on the point of bringing it under the consideration of the House when he found that Sir Roundell Palmer was equally impressed with the danger, and had given notice of a Question on the subject. We were then engaged in a controversy of the utmost seriousness with Germany in reference to our dealings with France in munitions of war, and if the Rules of the Washington Treaty were to be accepted as interpreted by the Arbitrators the whole case for which Prince Bismarck contended was established, and we were quite in the wrong. The right hon. Gentleman opposite (Mr. G. Hardy) had quoted Lord Selborne's subsequent reference to it, but he would cite Sir Roundell Palmer's question and the Prime Minister's reply, for they formed an irrefragable justification for this Motion. The question was one of the class well described as "arranged" questions, and was in these terms—

> "Sir Roundell Palmer asked the First Lord of the Treasury whether the Second Rule in Article VI. of the Treaty of Washington is understood by Her Majesty's Government as prohibiting the use of neutral ports or waters for the renewal or augmentation of military supplies or arms to a belligerent, only when those acts are done for the service of a vessel cruising or carrying on war, or intended to cruise or carry on war, against another belligerent; and not when military supplies or arms are exported for the use of a belligerent power from neutral ports or waters in the ordinary course of commerce; whether any steps have been taken by Her Majesty's Government to ascertain that the Rule in question is understood by the Government of the United States in the same limited sense; and if so, with what result; and, whether it is intended, in any communications which may be addressed to Foreign Governments with a view to the general adoption of this Rule, to guard against its being accepted or understood in any larger sense."—[3 *Hansard*, ccvi. 1903.]

Thus a new Rule intended to make everything precise was so ambiguous as to lead one of the greatest living jurists to put this series of questions, and what was the Prime Minister's reply?—

> "With reference, Sir, to the first part of the hon. and learned Gentleman's Question, I perceive that it has been framed with great care, and having considered our reply with equal care, while avoiding entering into any of the details of the Question, I am in a position to answer this part of the hon. and learned Member's Question in the affirmative. In answer to the second part of the hon. and learned Gentleman's Question, I may state that we have had an opportunity of communicating with Lord De Grey, with the right hon. Gentleman opposite (Sir Stafford Northcote), and with Mr. Bernard on the subject, who have all of them given us the fullest assurance that the understanding referred to in the first part of the hon. and learned Gentleman's Question is that of the United States in reference to this matter, and further, that it has been in our power to communicate with the distinguished Gentleman who has arrived in this country as the representative of the United States, who was a member of the Joint High Commission—General Schenck—who has informed Her Majesty's Government that such was his understanding also of the meaning of the Rule in question; and, indeed, we have been told by that Gentleman that the President of the United States himself understands the Rule in that sense, and that the latter would himself be the first, not only to admit and allow, but to contend for that construction of the Rule in question. With regard to the third part of the hon. and learned Gentleman's Question, I am able to state that Mr. Fish, the United States' Secretary of State for Foreign Affairs, who was also one of the Commissioners, has expressed an opinion that it would be advantageous if the two Go-

vernments were to make a joint declaration which should place the meaning of this Rule beyond all chance of misconstruction."—[3 *Hansard*, ccvi. 1904.]

This Rule, therefore, had not been made a week before it became necessary, in the opinion of both Governments, to have an explanatory document, and he supposed, if the intention expressed by Mr. Fish was carried out, that such a document existed, for these words were uttered on the 12th of June, 1871, more than a year before the Arbitration commenced. The Prime Minister went on to say—

> "I believe that communications have been entered into between some of the British Commissioners and some of the United States' Commissioners and other distinguished authorities in America on the subject, and that they have also come to the conclusion that it is impossible to entertain the slightest doubt but that the meaning to be attached to the terms of the Treaty is that which the contracting parties themselves attach to them."—[*Ibid.*]

A more unsatisfactory condition than that revealed by this Question and answer could not be conceived, for it was evident —if he might be allowed to use so homely an image—that the kettle leaked before it was put on the fire at all; the ship was not seaworthy at the time it was launched, and the moment she came to be tried all her seams opened and the water flowed in at every point. Sir Roundell Palmer had not, however, anticipated the full effect of this position till he got to Geneva, when he made the striking and eloquent protest quoted by the right hon. Gentleman opposite (Mr. G. Hardy) urging that the Rules were intended to be interpreted with reference to the principles of international law. What was Mr. Caleb Cushing's reply? The right hon. Gentleman had spoken of England as having an admittedly constitutional Government; but according to Mr. Cushing, the counsel for the United States, this was a mistake, for Mr. Cushing regarded Italy, Brazil, Switzerland, and the United States as constitutional countries, but held that England could not come within that category, Parliament having an arbitrary power of banishing and trying a King, introducing a new dynasty, changing the State religion, and confiscating the goods of the Church. Such a reign as that Mr. Cushing considered a *régime* of despotism. Mr. Cushing went on to argue, with reference to the Rule, that he could recognise no diligence but the diligence prescribed by the Treaty, and that Sir Roundell Palmer was endeavouring to establish Rules of "due diligence" which were outside of the Treaty—a path on which it was then too late to enter—and the American counsel took his stand on the explicit words of the Treaty, which subordinated general international law to the compact of the three Rules—which was retrospective—and which expressly applied due "diligence" to the special cases contemplated by these Rules. The Arbitrators seemed to have held the view of Mr. Cushing, and not that which was put forward by Sir Roundell Palmer. And what was the result? Why, in the Award of the Arbitrators there were laid down three of the most dangerous principles which it was ever endeavoured to incorporate into the law of nations. Indeed, as regarded the Motion, this was an undefended case, for his right hon. Friend (Mr. W. E. Forster) had not said a word in defence of any of the doctrines of the Award. What, for instance, did the Award say about coal? Under the second Rule it was held that the supplying of coal in limited quantities converted a neutral country into a "base of operations," because such supplies would assist a vessel to sail. But if coal was contraband for that reason, sails must be contraband also, and masts, and even water; and how, then, was such a Rule to be carried out? It could only be carried out by turning the whole country into a belligerent Excise, and having an exciseman stationed in every ship to see that no article was supplied to a belligerent vessel, or even exported in order to be put on board such a vessel. It was idle to say that this was not the consequence of the second Rule. The casting vote of Count Sclopis in the case of the *Shenandoah* was expressly given under that Rule, and, in his judgment, in the case of the *Florida* he also dwelt on the question of coal. Mr. Adams was extremely cautious not to commit himself on the subject of coal, as would be seen by reference to the Blue Book, and the infinite danger we incurred under the Award was shown by the fact that on the very last day the Arbitrators sat, Viscount Itajuba, who had signed the Award, entered a protest against the doctrine of coal, because he wished it to be understood that it was safe to supply coal in some quantities, showing that under the Award it could not be supplied at all. But the Article went further; it went to the whole doctrine of what constituted a base of operations, and extended that doctrine to every transaction whatsoever that could be entered into with respect to a belligerent vessel. Therein lay the infinite danger of the doctrine; and it extended not only to vessels like the *Alabama*, but to the commissioned ships of the oldest established nations in the world. It applied to the French fleet and to the British fleet. Suppose there was war between France and Germany, and that the French fleet coaled or watered at Heligoland, the German Government would have a right under the Award to make us responsible for everything that occurred in consequence. We could not be safe under these circumstances unless we forbade the exportation—he might almost say, the trade in coal altogether—not only in England, but in every part of the Queen's dominions. Why, they were about to pay in the case of the *Shenandoah* a million of money for the acts of officials in Australia over whom the Government of England had no control whatever. Could anything be conceived more monstrous or fraught with greater danger to us than such a doctrine was? He passed to the second point—the doctrine as to commissioned vessels. That doctrine it was impossible for a civilized nation to receive. If the Arbitrators had taken the wise and prudent course of laying down the principle that a vessel illegally armed originally ought to have been excluded from the ports of that country from which she had obtained her armaments, they would have enunciated a principle which though not established in international law, was wise in itself, and might be received by civilized nations. But what they said was that under the first Rule commissioned vessels of war were to be seized and their departure prevented. It was true that Sir Roundell Palmer and Sir Alexander Cockburn said that was not what the Rule meant. But the Rule was so ambiguous that it did not exclude such a construction, and the Arbitrators placed that construction upon it. His right hon. Friend the Vice President of the Council (Mr. W. E. Forster) had asked why in the world they should be in such a hurry to do anything in this matter? Why, a war might break out in Europe to-morrow, and commissioned vessels of one or other of the belligerents might obtain coal or water in one of our ports. Under the Rule they were bound to seize such vessels, but under the Foreign Enlistment Act of 1870 they were bound not to seize them. What would be the position of England if one belligerent demanded that under the Rule the vessels should be seized, while the other, to whom the ships belonged, demanded that under the Foreign Enlistment Act they should be let go free? How could they escape a quarrel with one or the other under such circumstances? If they were not going to condemn the Rule, then they ought at once to suspend the Standing Orders of the House and repeal the 32nd section of the Foreign Enlistment Act. But the adoption of the doctrine of the Award was a thing which no nation would stand. Suppose the British fleet in time of war took in some coal or water at a neutral port, and our adversary should call upon the neutral Government to seize it. Was it to be supposed that the British fleet would allow itself to be seized? Or suppose the French fleet, in a war with Germany, should take in coals at Heligoland, and afterwards anchor in the Downs. Ought the German Government, under the Award, to have power to insist on our seizing that fleet, or, in other words, to insist on our instantly declaring war against France? And this was the doctrine that was to contribute to the peace of nations! He now passed to the question of "due diligence." He admitted that the phrase was an ambiguous one, and one difficult to define; but what he complained of was that the Arbitrators had attempted to define it, and had given it a wrong definition. They said that the diligence was to be proportionate to the risk of the belligerent. [Mr. W. E. FORSTER: In exact proportion.] His right hon. Friend reminded him of a word he had omitted. It was to be "exactly proportionate" to the risk of the belligerent. What did Mr. Adams say upon that point? Speaking of due diligence, he said—

> "This may naturally grow out of the great difference in the relative positions of the two belligerents, which ought properly to be taken into consideration. In the struggle which took place in America 'due diligence' in regard to the commercial interests of one of the bellige-

rents meant a very different thing from the same words applied to the other."

That was a true commentary upon the doctrine of the Award, and that was what each belligerent would say if this doctrine were allowed. "My commercial interests," they would each say, "are very different from those of my adversary. You must, therefore, carry out the law on a totally different principle with respect to him and to me." The true rule was impartiality of action. They could not attempt to reach equality of result. That had always been the principle of international law. They could not enter into the constantly varying circumstances of the belligerents, but they could be perfectly impartial in their action to both, and leave the result to be what it might. Each and every one of those doctrines violated some cardinal principle of the law of nations, and by each the position of neutrality was made absolutely intolerable. But his right hon. Friend (Mr. W. E. Forster) said they were not bound by the doctrines of the Award. He replied that if they did not protest against them, they were necessarily bound by them. The Chancellor of the Exchequer said the other night that the position of the Arbitrators was not judicial. He thought the right hon. Gentleman was wrong in that opinion. The Treaty declared that they were to find, with reference to each ship, according to the law of nations, and according to the Rule agreed upon. Anything more judicial than the position in which the Arbitrators were placed it was not easy to conceive. But then it was said that one case did not bind another, and that was true in reference to municipal law. When, however, they came to deal with international law, how did they argue? Why, they referred to the decisions of Lord Stowell, Chief Justice Marshall, or Chancellor Kent, as hereafter—if they were not now repudiated—nations would refer to the principles laid down at Geneva, and rely upon them in support of their claims and arguments. They could not separate the Award from the Rules. They were like *Coke upon Littleton*, you could not separate the commentary from the text. Or they might be likened to the Siamese twins—if you endeavoured to disjoin them you must kill one, and probably would kill both. In one form or another it behoved the House of Commons to repudiate the doctrine of the Award. If they did not, the condition of neutrals would be intolerable and the area of war would be extended. They should do it now in time of peace, for in time of war it would be too late. If, however, they took that step now, and a war arose in Europe six months hence, should a claim be made against them they could point to the fact that they had not accepted, but on the contrary had protested against, the principle of the Award. When he heard the right hon. Gentleman speaking on the question of conciliation there came into his recollection a great speech—one of the greatest on international law which the records of Parliament possessed—he alluded to a speech by Lord Grenville upon the great Maritime Treaty of 1801. The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) the other night made a claim which, speaking from the Liberal side of the House, he could not altogether yield. The right hon. Gentleman claimed a monopoly of Lord Grenville for the Conservative party, but he could not help thinking that the right hon. Gentleman might have remembered the fact that Lord Grenville declined to join Mr. Pitt in his last Administration because Mr. Pitt was not in a position to take Mr. Fox into the Government. He therefore thought it would be a fair compromise if the right hon. Gentleman would permit the reputation of Lord Grenville to be equally divided between the two sides of the House. Lord Grenville, then, commenting in 1801, at the time of the Peace of Amiens, upon the Treaty with Russia, said—

> "Conciliation is indeed desirable; it is so always, and it is now indispensably necessary as our last resource against certain and imminent danger. But to conciliate, by the surrender of just rights and of essential interests, to purchase present ease by the sacrifice of future strength, is a system which all experience, and all history have condemned, a system not less impolitic and ruinous in its effects than it is weak and disgraceful in its principle. But in the present case, one sentiment alone can prevail both in Great Britain and in Russia. The desire of every friend of peace, and every lover of justice, throughout the world, must be the same. All must concur in wishing that a precise and unequivocal arrangement on all the matters to which this treaty has relation, may confirm and strengthen the dispositions of friendship, between those to whom Europe still looks for its preservation, and may stifle the seeds of every possible difference which could either interrupt their present harmony, or embarrass their future exertions.

By loose and uncertain stipulations on these important concerns no interest is promoted, no right is asserted, no principle is finally established. From ambiguity and doubt confusion and discord only can arise."—[*Hansard—Parl. History*, xxxvi. 255.]

This was language worthy the greatest Foreign Minister whom, he believed, England ever possessed, and if they were to repudiate these uncertain and ambiguous principles in what way was it to be done on the present occasion? They could, but would they protest against the Rules? The Lord Chief Justice of England had already done this in the masterly document he had drawn up. The right hon. Gentleman the Chancellor of the Exchequer the other day took him (Mr. Harcourt) to task for saying that the Lord Chief Justice was upon the Geneva Arbitration the representative and the vindicator of the honour and the conduct of England, and it was further alleged against him (Mr. Harcourt) by the right hon. Gentleman, that he had imputed to the Lord Chief Justice conduct inconsistent with his position. It was, however, a singular fact that the Lord Chief Justice had since received the thanks of the Queen, which were directed to be presented to him by the Foreign Minister on the express ground that he had seen to the interests of England upon the Arbitration. Further, the Lord Chief Justice was directed in another part of his instructions to defend the character of Lord Russell, which he also did in the document to which he had just referred, What he would suggest that Her Majesty's Government might do would be to send the Rules to foreign countries accompanied by the judgment of the Lord Chief Justice, and say that the judgment expresed the views of the Government on the matter. The only difficulty about such a course was that the judgment of the Lord Chief Justice commenced, with something like a condemnation of the Rules themselves, and that might introduce difficulty and confusion. What, then, were they to do with the Rules? They had never held water from the first. The question addressed by the Prime Minister to Sir Roundell Palmer, and to which he had already referred, showed that the Rules were considered unsafe and required to be explained in order to be understood, and carefully guarded in order that they might not be dangerous. The experience of the Arbitration had shown that they had grown more leaky than ever. The Rules could not be patched, and were not worth mending, but were, as a matter of fact, a piece of careless juridical slip-slop. The best thing Her Majesty's Government could do would be to withdraw them and ask the concurrence of the United States Government in such a course. And he thought there would be no difficulty in obtaining this concurrence. They might depend upon it that the United States was no more fond of the doctrines laid down in the Award than the Government of Great Britain could be. Let them apply diplomatically to the United States Government, after due consideration, to draw up Rules which should be worthy the occasion and worthy the object for which the Rules were originally drawn. There were great jurists in this country in the persons of the Lord Chief Justice and the Lord Chancellor, and he ventured to say that the opinions of Sir Roundell Palmer were the opinions of the Lord Chancellor. In America there were jurists worthy the school of Marshall, of Story, of Kent, and of Wheaton, and he had no doubt that if America were properly applied to her Government would assist in the drawing of rules which could be offered without explanation or protest to the acceptance of the world. The policy of the United States had always been a policy of neutrality from the time of Washington downwards, and they had never been driven out of it except by the exigencies of civil discord. In fact, he thought they had gone a little too far in this direction. We had never been desirous to cut down extremely the belligerent rights of so great a naval power as England; and proposals to abolish the law of blockade, and the right to capture private property at sea, were demands to which England ought never to yield. In the Declaration of Paris we made great concessions to neutrals—these concessions were reasonable, and had worked satisfactorily; but, unfortunately, the tendency of these Rules of the Treaty of Washington was to reverse the whole stream of civilization. Every step before had been in favour of enlarging the rights of neutrals and securing their position; but the Treaty of Washington made the conditions of neutrality so intolerable that he was firmly convinced that if the Rules were passed into the law of nations there would be no condition endurable for any State except the condition of an ally, and when a war broke out there would be no condition for any Government to consider except which should be the side it was to take in the coming war. This legislation seemed to be a legislation against the principles of neutrality and dangerous to the future prospects of peace to mankind. With that conviction, totally irrespective of any consideration of parties, he felt bound to vote for the Motion of the right hon. Gentleman the Member for the University of Oxford.

Mr. RATHBONE said, the House and the Government ought to pause before accepting the dangerous advice which had been given by the last speaker (Mr. Harcourt). He could not but think that the Motion before the House entirely ignored, as our statesmen had been too much in the habit of ignoring; the greatest danger which threatened the maritime greatness of England, as well as the direction which the efforts to avert that danger should take. During the last American War a few *Alabamas* practically drove the flag of the second maritime Power in the world from the seas. It was not so much the 70 ships which the *Alabama* sank or burnt at sea that did this. It was the fact that by so doing she deterred shippers from shipping in American bottoms, and thus compelled the American shipowners either to lay up their valuable ships or to make a forced sale of them to foreigners. The danger which the Motion was framed to guard against, appeared to him to be unreal. There was very little danger that other nations, and least of all America, until recently the advocate of the extreme licence of offensive neutrality, would insist upon maintaining rules or interpretations of international law enforcing too strict an observance of the duties of neutrality. There was, on the other hand, the very greatest danger—nay, the certainty—that the naval greatness of England, as far as it was dependent on her Mercantile Marine, would receive a fatal blow in the first war in which she was engaged, unless she availed herself of the peculiarly favourable position in which the Treaty of Washington and the Arbitration of Geneva had placed this country for supplying precautions which were neglected in the Declaration of Paris. He urged on the House and the Government that it would be fatal not to guard against the dangers to which the precedents of the late American War, coming after the Treaty of Paris, had exposed the maritime greatness of England. By the opening of the Suez Canal, England had lost in the trade with the East what was previously the advantage of her geographical position. Now the commerce of the East to Europe would naturally stop at Odessa, Trieste, and Marseilles, instead of coming on to England to go back to Europe. Everybody prophesied that this would be the case; and it was only the energy and enterprise of our ship and steamboat owners, backed by the great capital of England, which had enabled this country to maintain, as it had so far done, its mercantile and maritime position in those waters; but if we permitted, as we were in danger of permitting, a large portion of the Mercantile Marine of England to be transferred to other countries, would it be possible to recover such loss of our position against the additional geographical difficulties with which we should have to contend? Liverpool, London, Hull, and Newcastle were now the head-quarters of the great maritime companies into whose hands so much of the carrying trade of the world was passing. But when, under the influence of numerous *Alabamas*, we had changed the points of departure for Eastern fleets, and Marseilles had taken the place of Southampton, and so on, would it be possible to recover this? Would it be possible to dispossess foreign maritime nations when they had once got hold of a trade so naturally their own? The Motion regarded only the effect of the Washington Rules upon us when we were neutrals. But they must also be considered in respect to cases in which we might be belligerents. It appeared to him that to us as neutrals they were no intolerable burden, and that to us as belligerents they were exceptionally favourable, and even vital to the interests of our marine and commerce in the event of war. These Rules only threw upon us the duty of enforcing our own laws as they now stood with the same business-like diligence which we should certainly use if our own interests were directly at stake by the fitting out of a ship in our own ports for the purpose of attacking our own commerce; and unless we could obtain this justice from other nations our carrying trade must pass, and to a very considerable extent, irrevocably pass, into the hands of other nations on the first war. So long as neutrality was imperfect, its violations were always likely to irritate a belligerent to declare war against a neutral. In the late American Civil War we were very near—few who were unconnected with America knew how near—affording a most fatal proof of this. Did the remonstrances and threats of the Northern States incline us to declare war against them? But he would point out the danger of war which we ran, after the Treaty of Paris, and after the escape of the *Alabama*, but before the Award of the Geneva Arbitrators. Was it not evident that not only Russia, but even the minor Powers thought they might hold an offensive tone towards England, because they believed, most erroneously, that she would not go to war while America was watching to avenge the escape of the *Alabama?* Would Russia have abrogated the Black Sea Convention in the abrupt way she did had she not entertained this idea? Was not, then, that erroneous idea just the very thing to lead to war? Before the Declaration of Paris in 1856, England in her twofold capacity of possessing the greatest Naval Power in the world, and of possessing the largest Mercantile Marine in the world, claimed and exercised not only enormous power of crippling the commerce of any nation which might be at war with her, but also of protecting and carrying on her own commerce. The Declaration of Paris deprived her of most of the power of crippling the commerce of another country, and of most of the power of protecting her own Mercantile Marine in the enjoyment of their commerce. Now the rights claimed by England frequently brought her into collision with neutrals, and occasionally into war with them, and therefore it was wise to abandon them. But just compare for a moment the position which other countries, and the position which this country occupied before the Declaration of Paris, with the position which they now respectively occupy. Before the Declaration of Paris we claimed and exercised the right of capturing ships and cargoes belonging to any enemy under any flag; and practically our great Naval Force gave us the power of almost annihilating the commerce of our enemy. By the Declaration of Paris we surrendered the right to interfere with the commerce of our enemy, except by an effectual blockade, or when carried on under its own flag. What, then, would now happen to our enemy in case of war? Simply, it would carry on its commerce under neutral flags, and sell its own ships to neutrals, which most nations would be enabled to do without too great a sacrifice; because the number of ships owned by any nation, except England, were not of greater value than capital available for ship-owning could be found to purchase. The House would see at once, therefore, that our power of injuring an enemy was enormously reduced; and, indeed, except as regarded blockade, was perfectly insignificant as to any possible effect upon the resources of an enemy, and, consequently, upon its power or willingness to go on with the war. Now, what was formerly the position of England in a war, and what would its position be now? Formerly cargoes were liable to seizure wherever found, and under whatever flag they were shipped. It therefore was the custom to ship in British bottoms, and to wait for a British convoy, which our great naval power enabled us to give. Now, if shipped under a neutral flag, our commerce would be free from capture, and, as long as any neutral ships were available, no one would wait for a convoy in order to ship in a British ship any valuable cargo; for, in addition to waiting, he would have to pay a higher premium for insurance than he would pay in a neutral bottom. Therefore, as every shipowner knew, the days of convoy were absolutely at an end. And if the precedents of the *Alabama* and the *Florida* could not be guarded against; if ships of war could be fitted out and allowed to sail from neutral ports to prey upon the commerce of England, every practical shipowner knew that the Mercantile Marine of England would be driven from the seas. A certain small portion of her ships might find employment by carrying cargoes of small value on which the rate of freight was of more importance than the rate of premium of insurance. For a time a certain portion of her ships would be necessarily employed, because there would not be neutral vessels to do the work. But the greater part of them would have to be laid up or sold at a ruinous loss to foreigners, for we could not continue to carry on a trade in which our shipowners would be at a disadvantage of more than 30 or 40 per cent as to net results as compared with foreign shipowners. When America was at war the quantity of ships which she had to sell found a fair market without any ruinous reduction of price, because the number was not excessive, and the shipowning power and capital of England were there to buy the ships. But who is to buy the enormous mercantile marine of England? You would have to offer ruinous concessions to induce people to do so. So that the loss of England would not only be on a much larger amount of property than the loss inflicted by such a process upon any other country, but the proportionate loss on every pound would be greater. Perhaps he should be told that the American Navy was entirely engaged in blockading, and, therefore, did not care to catch the *Alabama*, and that our immense naval power would be able to give a good account of any such attempts in future. Now, he quite admitted that our Navy would be able to give a good account of the Navies of any other nation; but if *Alabamas* were to be allowed to be fitted out in neutral ports, he believed that the protection of our commerce would be beyond its power. We should have to deal not with one, two, or three of such vessels; and the style of vessels which we were now building for the defence of our shores and for naval warfare were entirely unsuited to perform the minor duties of the police of the sea. *Captains* and *Warriors* were too expensive and cumbrous to do the work of catching *Alabamas*. It would require an immense number of light ships of war, especially built for the purpose, to perform this duty. Steamers could now be built with such small consumption of fuel that they could keep the seas without coming into port for months and months; and unless such a steamer comes into port how were you to find her? She would appear, say, first in the track of the Atlantic trade, burning or sinking half-a-dozen ships, and putting their crews in the last vessel captured; and then, before that vessel could reach a port and give the alarm, she would be half-way to the Pacific Ocean, capturing on her way some of our Eastern mercantile fleet; and before betraying her position there be in the Pacific. It was not the number of vessels destroyed; commerce was very sensitive; the margin for profit in shipowning was not large, and by enhancing rates of insurance it would compel the laying up or the sale of the ships. He need not attempt to show that the maintenance of our Mercantile Marine was essential to the maintenance of our national greatness as a maritime nation; but he thought he had shown the immense loss which would be inflicted upon England by the precedents of the late American war, unless they were cancelled by the new Rules of maritime international law which had been laid down, and which he hoped would be adhered to. The Washington Rules simply adopted the principles which we adopted in the Foreign Enlistment Act of 1870, and made them internationally binding. They were wholly in our favour as compared with any other country, in proportion as our marine and commerce were the greatest. No country had so much to gain by their enforcement; none had anything comparable to lose by their neglect. The real question was whether we were to sacrifice this safety, which we had obtained after such tedious negotiations and at so heavy a cost, and which only the exceptional circumstances of America had given us the chance of obtaining, in order that exceptional profits might be made in a few shipbuilding yards, in violation of the intention of our own laws. As a practical man of business, he would say a word upon the well-meaning but fallacious arguments which have been used by great statesmen and lawyers about protecting our manufactures. Nobody built a ship of war on speculation. There were too few customers for such an article, and it was perfectly easy for any man who was building a ship of war for a nation with which we were at peace to give indubitable evidence that he was so doing. In following the shibboleth of non-interference with trade and manufactures we were in danger of licensing the building of pirates. It would have been better, in the interests of peace and of all great maritime countries, especially Great Britain, to extend the Declaration of Paris so as to protect from capture all private ships and goods, except in the case of an attempt to force a blockade or in the case of actual military necessity. But it would be madness to throw away an interpretation of international law which, though for the moment against us, seemed contrived for our special benefit in the long run. Having felt the inconvenience of an abuse of neutrality, the Americans had contended for the strictest precautions against such abuse in the future. We, on the other hand, had found ourselves in the unusual position of wishing to limit belligerent rights and of feeling the difficulties of neutrality. Next time our positions might be reversed. He thought he detected in the cautious manner in which the Leader of the Opposition alluded to this subject last night a warning to those who might not see as far as he did during the late American War. He trusted the Opposition would imitate that patriotic and statesmanlike forethought which he so conspicuously displayed throughout the whole period of the American War, and for which this country ought for ever to be grateful to him. In conclusion, he entreated the Government, in the interests of peace, not to lose the present favourable opportunity of inducing other nations to concur in the adoption of Rules that would prevent practices which had never abridged war a single day, but which, on the contrary, tended to increase its evils and to extend its area. Such a course would be not only just and humane, but in the end would prove to have been such a course as experience and sound statesmanship alike dictated. He therefore entreated the Government not to listen to the advice of the hon. and learned Member for Oxford (Mr. Harcourt).

Mr. GREGORY said, that the hon. Member for Liverpool (Mr. Rathbone), who had just sat down had treated the question purely from a commercial point of view, but it was one of much wider scope and much greater importance. It was a question which involved principles of right and wrong, of peace and war. He ventured to say that there was no such mutuality of advantage to be derived from the Award as was maintained by the hon. Gentleman. This country possessed ports and estuaries not only at home, but in every portion of the globe. In these ports and estuaries vessels might be equipped, and from them expeditions might sail which might bring us, in spite of all we could do to maintain our neutrality, within the terms of the Award, and expose us to the claims of belligerents. And here he could not help expressing his surprise at the way in which Her Majesty's Government proposed to meet, or rather to avoid, the issue raised by the right hon. Gentleman the Member for the University of Oxford (Mr. G. Hardy). He should have thought that Her Majesty's Government would have been glad to take on this subject the opinion of the country as manifested by the House of Commons, and he could not but believe that if they had done so at an earlier period of the negotiations which had led to this Treaty we should have heard but little of the disputes in which we were now involved, and which had occupied our thoughts during the last Session of Parliament. What he understood the right hon. Gentleman (Mr. W. E. Forster) to say was, that Her Majesty's Government had entered into a Correspondence with the Government of the United States with a view to some joint agreement as to the Rules, and that this correspondence had now ceased, and was in abeyance. But that seemed to be very much the position in which this country was placed at the time the negotiations failed between Lord Derby and Mr. Reverdy Johnson, and he could not help thinking that if at that period this House had been taken into the confidence of Her Majesty's Government, a Treaty would have resulted very different in its terms from that which had been imposed on us. He had been still more astonished by the statement of the right hon. Gentleman that the Arbitrators in their Award had not interpreted the Rules laid down in the Treaty. It appeared to him that they had not only interpreted the Rules in terms, but had gone still further by applying those Rules to their Award, and condemning us in three instances to heavy damages. He could not conceive any stronger interpretation of a principle than its application to individual circumstances, and any one in future seeking to enforce that principle would naturally cite the manner in which it had been applied. The case of the *Shenandoah* was a strong illustration of the extent to which the interpretation had been carried. It had been already referred to in the course of the debate, but he thought it deserving of consideration in detail. That vessel originally known as the *Sea King*, was a screw steamer, built for the purpose of being employed in the China trade. She sailed from London apparently as a trading vessel, on the 9th of October. She arrived at Madeira on the 18th, and then took in an armament at some neighbouring island; a transfer of property, real or apparent, took place—a Captain Waddell took the command of her, under a Commission from the Confederate Government, and thereafter she passed as the "Confederate States steamer-of-war *Shenandoah.*" She arrived at Melbourne on the 25th January, 1865, and immediately her Commander applied to the Governor for permission to make necessary repairs, and to take in a supply of coals. The Governor took the opinion of his proper Law Officers, who were of opinion that the Governor was bound to treat her as a ship-of-war belonging to a belligerent Power. Great precautions were taken in dealing with her; but information having been received that a number of seamen had clandestinely got on board and were concealed, a police officer was sent on board with a warrant. Captain Waddell, however, pledged his word of honour that there were no such men on board, and refused to allow the ship to be inspected, and declared he would fight his ship rather than allow it. The colonial authorities, however, did all that they could under the circumstances by denying to the ship the hospitalities of the port until they received the solemn assurance of Captain Waddell as a commissioned officer that there had been no violation of its neutrality. The repairs were then allowed to proceed, but they were carried on on a private slip, and the authorities required that there should be no unnecessary delay in completing them. On the 17th or 18th of February the American Consul received information that men were being shipped, and he put himself into communication with the Attorney General, who advised that he should make a declaration of the circumstances on which the authorities could act. The Consul however did not follow this advice, but applied to several other subordinate authorities who were unable to do anything without the evidence in question. This circumstance, however, was in fact immaterial, as the information given to the Consul was that the men would be shipped from one part of the shore, whereas they, in fact, got off from another, having concealed themselves for the purpose, and having been taken off in small boats to the vessel. The repairs were effected on a private slip, and a supply of 250 tons of coal was put on board, and the vessel left on the 18th February. So that, for the circumstances of a dark night, which enabled a party of seamen to steal on board unobserved, the negligence of a police officer—supposing he had the right and the power—to search the vessel, and the purchase of a few tons of coal, the British nation was made responsible for all the injury she had inflicted on the commerce of the United States, after leaving a defenceless port of a British colony on the other side of the globe. In addition to this, the Government of Melbourne was a distinct and independent Government, and yet the people of this country were held liable for its omissions, if omissions they could be called. The right hon. Gentleman to whom the case for the Government had been entrusted had gone so far as to say that the Act of 1870 imposed no new liabilities, and that it was only an extension and complement of the Act of 1819. Any one who read the former Act could not fail to see that our obligations had been materially extended, and were of a most onerous character. The building and equipping of a ship had now been put into two distinct categories, and both were made liable to penalties, even to the forfeiture of the ship. Under the 13th section of the Act the supplying to any belligerent ship in our ports of a mast, a sail, an oar, spar, or tiller would be "equipping" her, and for any one of these she was liable to forfeiture. It was a principle of international law that a belligerent observing the municipal law of the country had a right to call that municipal law into force against the other belligerent; so that we might be required on to confiscate any vessel which had been supplied in our ports with any of the articles described. He ventured to think such a condition of things would not be tolerated by any belligerent without involving us in war. There was another liability which flowed from the principles laid down by the Tribunal of Geneva. The rule formerly was that a country or Government could not be called upon to act except on evidence which rendered it reasonably certain that they would obtain a conviction in their own Courts. But according to the judgment and reasoning of the Arbitrators it appeared that a neutral was bound to take the initiative at the instance of a belligerent on any information, whether it were such as would justify them in instituting proceedings before their own Tribunals or not. Upon any hearsay report, rumour, or unauthorized information the Government might be called on to interfere. These were great and heavy liabilities under which no Government was safe. They could not ask any Government to accept them, and if they did he believed every country would repudiate them. They were unworthy of the English Government to recommend to any other country, and he hoped they would be rejected by the House of Commons.

MR. LAING said, he thought the observation of the right hon. Gentleman (Mr. W. E. Forster) who addressed the House early in the debate from the Treasury Bench was absolutely conclusive as to the decision which should be come to by the House, that in order to approach the other neutral nations with advantage on the question of these Rules, it was necessary to come first to an amicable understanding with the Government of the United States, and he appealed to the House not to precipitate matters while the heats which had been engendered were still in force. He (Mr. Laing) himself had too much experience of the moderation and wisdom of the House to doubt that that appeal would be successful. Questions of vital national importance had been raised in the course of this discussion, and it was fitting that the opinions not only of lawyers, but of men engaged in commerce should be heard. The epithets "intolerable," "dangerous," "mischievous," had been applied to principles put forward in the Geneva Award, which he ventured to say men of common sense engaged in business would regard as of the utmost value to the permanent interests of the country. The hon. and learned Member for Oxford (Mr. Harcourt), who laid down the law to the House with so much authority, ought to have taken the trouble to be a little more accurate in getting up the facts and the law which he had presented to the House, for he had made some astonishing mistakes as to the state of the law on this subject. There was no principle more clear than that a neutral State could not allow any of its ports or dependencies to be made a basis for helping one belligerent to the disadvantage of the other; and the Chief Justice of England had declared it to be the law that coal would come under the category of contraband, if it was to be used as the motive power of a vessel intended for war. How did the facts really stand? What was objected to was the interpretation put upon the Three Rules of the Sixth Article of the Treaty of Washington by the Award of the Geneva Tribunal. It appeared to him that to the words "due diligence" a sharper definition had been given than was really meant by their authors. The Judgment of the Geneva Tribunal was not a decision of the international law upon the subject. Indeed, part of the language used might in one sense be considered as *obiter dicta,* although, no doubt, the whole carried with it a considerable moral effect to the world generally—an effect corresponding with what might be called an increasing public opinion against a resort to war, and in favour of the principles of humanity. The Judgment raised questions of great importance which it did not profess conclusively to solve. He agreed with the right hon. Gentleman opposite (Mr. G. Hardy) that it would be wise to endeavour at an early date—though not at present, for the conclusive reasons urged by the right hon. Gentleman on that side (Mr. W. E. Forster)—to come to a mutual understanding with the maritime Powers as to the precise definition of the Rules, so that we might not expose ourselves to be overtaken by another war while such important questions still remained in a state of doubt and uncertainty. But, after all, the general effect of the Rules was to render the equipment of vessels like the *Alabama* more difficult, and to make it almost impossible for them, even if they succeeded in escaping with full equipment from a neutral port, to cruise and prey upon the commerce of one of the belligerents. He maintained that nine out of ten persons would say that the effect of this Judgment, so far from being bad, was, on the contrary, conducive to the best interests of peace; and any Government consenting to be bound by it would be guilty of the gravest dereliction of duty if they let slip any opportunity of establishing principles of such vital importance to the welfare of nations generally. It appeared to him that those who regarded the decisions of the Tribunal of Geneva as limiting the rights of neutrals took a very narrow view of the important questions involved. He believed that their tendency was in the direction of peace and to induce all Governments to look upon war as a dreadful necessity, and only to be resorted to in the last extremity. It followed, then, that the duty of neutrals as well as of belligerents should undergo a complete revision. A similar spirit influenced the principle laid down in the Treaty of Paris, when it was agreed upon that a neutral flag should cover a neutral cargo. All those recent Treaties had sprung out of the feeling of horror of war, which was increasing in every civilized nation. The Lord Chief Justice of England, in his admirable and exhaustive statement in respect to the Geneva Award, referred to the growth of the new school of writers and jurists upon this subject. Amongst many other eminent writers on the subject of international law, M. de Tocqueville laid down the rights and obligations of neutrals with great strictness. They might be summed up in two conditions—the one was scrupulous impartiality; the other a complete abstention from all acts of war, of aiding or abetting either belligerent, or affording them an opportunity of obtaining arms or munitions of war. In fact, all the changes made of late years in international law, sprang out of the formation of what might be termed an international conscience and an extreme aversion to war. Whilst sympathizing most heartily with the general principle of humanity manifested in the recent Treaties and decisions, he certainly should not wish to see it pushed to an extent adverse to the interests of his own country; but he thought it was difficult to imagine a case now where such a contingency could arise. It was, in his mind, very bad policy to commit ourselves to a hard-and-fast line when endeavouring to effect a settlement of an international dispute by means of arbitration. The danger of following such a course became apparent in two recent instances—namely, of the United States of America and of Germany, two Powers with whom it was of the greatest interest to us to cultivate amicable relations. Our alliance with the great Empire of Germany being cemented by a community of interests and of feeling was the great safeguard for the preservation of the peace of Europe. Those relations were, however, to a serious extent impaired by what took place during the late war. The mischief done simply measured by pounds, shillings, and pence, far outweighed the inconvenience that would result from adoption of an opposite principle. It was for the advantage of England that greater stringency should be enforced that would prevent the recurrence of cases like that of the *Alabama.* By the adoption of these Rules, when a vessel slipped through their fingers as this ship did, all they had to do was to give notice to the belligerent Powers, and the vessel tainted with the original violation of the municipal laws would, on her being found in our ports, be detained. Under the adoption of such a Rule a vessel could not be covered with her commission, and thereby be enabled again to commence a mischievous career. This country had a number of fortified stations all over the world for the protection of our commerce. They were maintained at a great expense for the express purpose of giving us an advantage in case of war, and to act as a basis for coaling stations, and it would not be a matter of indifference to us if, in time of war with Russia, a vessel escaping from the United States and receiving a Russian commission could coal at San Francisco or any Pacific port. It was obvious that the establishment of the principle laid down in the Award would be enormously in favour of this country. If that were the case, and if we were to consider the disadvantages and grievance we might suffer as neutrals, he thought they would not be found so serious as to outweigh the advantages we should receive from the application of the Rules when we should chance to be belligerents. In the first case they had been mainly obviated by the passing of the Foreign Enlistment Act of 1870. It had been admitted that by that Act we were in a position very effectually to prevent the recurrence of what occurred during the American War. The law of England in that respect was considered far more stringent than that of almost any other Power; there was no chance of our altering it; and it was therefore our policy to induce other Powers to accept the same engagement. With regard to "due diligence" every case, the Arbitrators stated, must be judged upon its own merits, and the interpretation intended to be placed by the Geneva Tribunal on the construction of that Rule was not an arbitrary or impracticable interpretation, but such a common-sense interpretation as we should wish to see assigned to it. The inconvenience that might accrue to us as a neutral Power would not only be greatly obviated by the Act of 1870, but to a great extent also by the growth of public opinion, and its co-operation with the Government in preventing *Alabamas* from being built and fitted out in our ports. Whatever inconvenience might be thought to result from the interpretation put upon the Rules by the Commissioners, the House could not get rid of the Three Rules in the Treaty. When these collateral considerations were got rid of, the result was the loss of a little profit to shipbuilders and gunmakers in the emergency of a war arising; but there would be no practical difficulty in making regulations for the public interest — for the arrest of suspicious articles, subject to compensation if taken wrongfully. Against these slight losses and inconveniences that might possibly be experienced in case of being a neutral and other Powers being belligerents, there must be set off the enormous advantage that would accrue in the reverse case of our becoming belligerents, and having to deal with neutral Powers. The United States, no doubt, was the country from which we had most to fear in the equipment of vessels of the *Alabama* class in case of our being engaged in war. He felt much more highly the indirect advantages that would result from the adoption of these Rules than the direct advantages. A great deal had been said of the honour of the country being involved, and it had been asked whether we were to alter our municipal law at the dictation of foreign Powers. We had not done this, nor was it in the interest of any belligerent that we should do so. If we altered our municipal law, it was because we thought the change right and just, and not because dictation was employed by foreign Powers. There had been two instances in modern history when this country had incurred some considerable humiliation—that of Denmark and the United States. In the first instance it was the fault of the line of policy adopted at the first in taking our stand on a point that was afterwards proved to be untenable. With regard to the United States, when the complaint was first made and Arbitration suggested, England mounted the high horse and would not admit that any blame rested with her. This country also took in that case its stand on a position that afterwards proved to be untenable; but in the most wise and patriotic manner, Her Majesty's Government and the Commissioners at Washington effected the best retreat in their power from that position, and they closed the question with great benefit to this country and the removal of the unhappy causes of difference that ought not to have existed between the two countries. In the case of Central Asia, by our frank acknowledgments towards Russia we were spared great humiliation, and we were treated with due consideration. It was said that England had been disgraced for ever, and all because some stipulation that was in its nature temporary, had been adopted. He warned the House that if they passed the Resolution of the right hon. Gentleman (Mr. G. Hardy) they would be preparing for themselves a bitter crop of humiliations similar to those which this country had before experienced.

SIR STAFFORD NORTHCOTE said that when he listened to the speech of his right hon. Friend (Mr. G. Hardy), and observed how carefully he avoided anything that could be construed as a reflection upon the conduct of the Government in regard to the negotiations at Washington, or in the course subsequently taken, and also observed how very cautiously and respectfully he spoke of those distinguished persons who acted as Arbitrators at Geneva, although he disputed their conclusions, he felt that the question, which was undoubtedly of the highest national importance, had been placed before the House in a way that could give no offence, and which might challenge a reasonable and fair attention; and when his right hon Friend sat down he hoped that some Member of the Government would rise, and although he might not accept the precise terms of the Motion, and might even, under the circumstances, deprecate a division, and although he might further take exception to certain parts of the Resolution with which he might be unwilling to agree, yet he did hope that whoever might rise on the part of the Government would place the matter in such a position before the House and the country that all might feel that the national interests would be safe in the hands of the Government, and that a course would be followed which would prevent the evils his right hon. Friend naturally, but perhaps wrongly, had anticipated might possibly result from the Award given at Geneva. He was, however, greatly disappointed when he listened to the very remarkable speech of the right hon. Gentleman the Vice President of the Council. Grave as undoubtedly the situation was before that speech was delivered, it left the House in a position infinitely more unsatisfactory than that in which he had conceived they could possibly stand. He had always thought that, somewhat checkered though the fortunes of England throughout the negotiations and the Arbitration might have been, we should have derived at least the one advantage that the question of the Rights and Duties of neutrals in time of war would have been settled and placed upon a basis which, whether we were or were not satisfied with the arrangement, would be one about which there could be no misunderstanding. He had always understood that it was one of the main inducements to us to enter into the Washington negotiations, that we should put an end to the uncertainty as to the rights and duties of neutrals which had led to the differences between ourselves and the United States, and that the advantage thus gained would be a compensation in regard to the Award that might be given against us. But what had the right hon. Gentleman opposite told them? He had told them that things were to be left in the same position of uncertainty as before; or rather, as he had understood the right hon. Gentleman's speech, they were to be left in a state of greater uncertainty than before. The right hon. Gentleman had told them, what they knew well enough before, that we were bound to accept the Award of the Arbitrators. Nobody had the least inclination, neither would it be consistent with the dignity of this country were we for a moment to question the Award as it affected ourselves in the particular cases under consideration. We might think that the Judgment had gone against us unexpectedly, and we might have had our own views on the subject; but we had accepted the Award frankly and without reserve. But when the House proceeded to consider that which was really the important question now under consideration, and upon which the right hon. Gentleman had dwelt so much—what was to be the rule of the future, what had the right hon. Gentleman told them? Had he said that we must accept the *Dicta* of the Arbitrators? Not at all. The right hon. Gentleman had said that he joined the right hon. Member for the University of Oxford (Mr. G. Hardy) in objecting to, and protesting against, many of the doctrines which the Arbitrators had laid down. But did the right hon. Gentleman altogether reject the *Dicta* of the Arbitrators; and was he prepared in any form to adopt the counsel of the right hon. Member for Oxford University, that in proposing these Rules to the other nations of the world for their acceptance we should qualify them by placing our own interpretation upon them? Not at all. The right hon. Gentleman said "Oh, dear no; as at present advised, we intend to do nothing at all until we hear from the United States what they are going to do." The right hon. Gentleman said that we must wait for the answer to our last communication with America; he had not given the date of the last communication, but it must be at least 12 months old. The matter, however, did not even rest there. The right hon. Gentleman had told the House further with regard to the *Dicta* about which so much had been said that, although we were bound by the Award, we were not bound by anything outside of it that had fallen from the Arbitrators. He also said that we were not bound by what might have fallen from our own Arbitrator, distinguished as he was, nor even by the arguments of our own Counsel. He said, however, that we were bound in honour by what we had laid before the Tribunal in our own Case, Counter Case, and Summary. Without doubt that was so; but what was to be inferred from that statement? If we were to be bound by our Case and Counter Case, by what were the United States to be bound? He supposed that, equally with ourselves, the United States would set aside the *obiter dicta* of the Arbitrators; but surely they would also believe themselves to be bound by what appeared in the Case, Counter Case, and Summary which they had laid before the Arbitrators. And here, of course, we should come to a dead-lock. We should have two opposing views of international law set forth in the respective Cases, each party bound by its own exposition of that law, and all that had taken place would go for nothing. Apparently we were left at as great a disadvantage as before. If that were the real position in which we were placed, it would be a most unsatisfactory and disappointing one. He had understood that when these negotiations were proceeding at Washington the object which the Government had in view was two-fold—that they had in view, in the first place, the special and temporary object of bringing to a settlement the differences which had arisen between this country and the United States; and that over and above that they had another more important and permanent object in view, that of settling the vexed question of international law which had given rise to those differences. The form of the proceedings which had been adopted at Washington was undoubtedly one which had occasioned some considerable embarrassment, because of the attempt which the Government were making to carry out both of these objects at once. The consequence was that in drawing up the Rules, which were to be at once the Rules for permanently settling the international law and the Rules to settle our temporary difference with the United States, both sets of Commissioners were placed in a very difficult position, because they had in a manner to look both forwards and backwards at the same time. They had to consider not only how the Rules would carry out the more important and permanent object, but how this or that set of words would affect the Case which was to be laid before the Arbitrators. Consequently, the operation of framing these Rules was very difficult, and he might say without offence that it was not performed in a thoroughly satisfactory manner. He felt very strongly at the time—and he had no doubt that everybody connected with the proceeding also felt—that that operation was being conducted under great disadvantages. He did not know what mode of proceeding would have been better, and undoubtedly any other mode would have been open to objections which it was unnecessary for him at that moment to go into. Had the course been adopted of endeavouring to settle the differences with America before entering upon the consideration of the question of what the future international law was to be, great difficulty would have been found in separating the two operations, and objections might have arisen which would have overweighed the advantages which such a course of proceeding might have appeared to offer. But, on the other hand, in attempting to do the two things at once, we found ourselves in this difficulty—our Commissioners were obliged to be excessively cautious not to allow anything to be inserted into the Rules that would admit our liability when we went before the Arbitrators; and, on the other hand, the United States Commissioners were obliged to be equally careful not to admit anything in the Rules that would prejudice their claims against us. The consequence was, that these Rules were framed in a manner which rendered them open to observation in respect of their not being either so full or so clear as they should have been with reference to the future. A great deal had been heard as to how far a Commission should exempt a vessel that had escaped from neutral territory from the consequences of her having committed a breach of neutrality, and also as to how she would be affected in the event of her having reached a port in her own country after having effected such an escape. These matters had been fully and fairly discussed by the Commissioners at Washington; but it was found impossible, in consequence of the number of questions which arose, to arrive at a satisfactory conclusion with regard to them, and consequently these matters were not mentioned in the Rules as clearly as was desirable. The position we now found ourselves in was this—The Arbitrators, in deciding upon the various cases brought before them, had uttered expressions and had embodied in their judgments principles which were extremely embarrassing with regard to the consequences of vessels commissioned or which had reached their own ports after fraudulently escaping from neutral territory. What he would bring under the consideration of the Government was, that it was desirable that we should now do that which we could not do at Washington, and take the opportunity of endeavouring to settle these matters. It was obvious from the confession of the right hon. Gentleman opposite, and from the general sense of the House, that it was impossible that we could rest satisfied with the *Dicta*—which were, in fact, something more than mere *Dicta*—which were embodied in the Award of the Arbitrators at Geneva with regard to commissioned ships and ships which, after violating neutral territory, had reached the belligerent port. Under these circumstances, it was necessary that we should come to some arrangement on the subject. These matters could not be allowed to remain as they were, resting upon what were conceived to be the principles of international law, because the principles of international law were very vague, and difficult to determine, and could only be said to be determined when you got hold of a principle upon which all nations had practically signified that they agreed. If you found a general principle upon which nations had agreed, you might assume that principle to be a part of international law. But a principle which one nation maintained to be correct and another incorrect, could not be so accepted; nor could the question be settled by writers, however eminent. This was the view so ably put forward by the Lord Chief Justice. The question was one which could only be settled by agreement among nations; and this was the reason why certain views here were embodied in a Treaty, and why it was resolved to submit them to other nations in order that they might be incorporated into international law. The reasons which made it important that these views should be settled were as strong now as they ever were; but it was equally clear that if they were to be incorporated into international law they should be made plain and intelligible and such as all nations could accept. A good deal had been said as to whether such and such a Rule would be for the interests of England, or for the interests of belligerents or neutrals. We must view this question, however, not from the national but from the international point of view; we must not consider the Rules which were desirable in the interests of our own country, but those which all countries would be ready to adopt. He thought that the House might reasonably conclude that it would be impossible to expect the nations of the world to accept these Rules as they now stood with this Arbitration on record as an authoritative interpretation of them, unless there was some clear explanation, and probably some modification of them. It was very well to talk of the sayings of the Arbitrators as *obiter dicta.* He did not know precisely the definition of an *obiter dictum;* but principles inserted in the body of an Award as the principles upon which the Award was founded, were surely something more than *obiter dicta.* He should have thought also that when the Arbitrators explained the meaning of their decisions, these explanations were something more than *obiter dicta.* And when *obiter dicta* led to so very a substantial a conclusion as the payment of upwards of £3,000,000 by one nation to another, common sense suggested that, whatever name you gave to them, they must exercise as precedents an important influence upon the law of nations. We could not, then, as the Vice President of the Council calmly suggested, afford to leave the matter as it stood until the United States chose to take it up, meanwhile considering each nation bound by its own opposite view of international law; nor could we allow Great Britain by tacit assent to give colour to such principles as were laid down by the Arbitrators. He did not wish to exaggerate the importance of those principles. There had been a tendency in some quarters to do so, and to give a general application to principles which were only meant to apply to the particular case. But still there were one or two points upon which it was quite clear that very strong doctrine had been laid down. He would not, however, refer much to the doctrine of due diligence. No doubt the standard set up for due diligence, taking the words literally, was one that it was almost impossible for any nation to act up to; and we might expect in any future arbitration that the standard would be somewhat lowered. But with regard to the position that the fact of a judicial decision having been obtained by the authorities of a neutral nation, in the case of a vessel, was to be held in no way to save the Government from responsibility, it was clearly such an extraordinary position that unless it was explained or qualified in some way he thought that it would be utterly impossible to get other nations to adopt it, and it would be an insult to ask them to do so. He paused on this particular question, because he wished to ask the House to allow him to call attention to the way in which the matter stood. He would quote the expressions of two of the Arbitrators with regard to this. Count Sclopis, as to the decision in the case of the *Florida*, said—

> "The decision of the Admiralty Court might be considered as conclusive, even if not perfectly correct, as between those who claimed the vessel and the British Government, which claimed its confiscation under the clauses of the Foreign Enlistment Act; but I do not think it is sufficient to bar the claim of the United States against Great Britain. The United States were not parties to the suit; everything relating to it was, therefore, to them *res inter alios acta.*"

But the whole scope of the decision of the Arbitrators was, that neutral Governments, where there was reason to believe that a vessel was in fault, ought to proceed against it without notice, and without any action on the part of the aggrieved belligerents. That was the reading that he (Sir Stafford Northcote) put upon the clause with regard to notice. Well, the neutral Government took proceedings, went before the judicial tribunal, and failed in the suit. But, then, according to Count Sclopis, it was *res inter alios acta* because the aggrieved belligerent was no party to the suit. This view obviously placed the neutral Government in a difficulty. The aggrieved belligerent would have a double chance. If the suit went in his favour, of course all was well. If, on the contrary, it went against him, he would say—"I am not bound by the decision, because it is *res inter alios acta.*" Then another of the Arbitrators, M. Stæmpfli, expressed his opinion that "as regards municipal law the judgment is valid; but as regards international law it does not alter the position of Great Britain." What an extraordinary doctrine! The question was, whether Great Britain exercised due diligence or not. It was admitted that the British Government proceeded against a vessel which there was ground for suspecting, and brought the case to trial in the only way open to them according to British law. It was further admitted that a decision was arrived at in a regular and formal manner; no allegation was made of corruption or fraud; yet we were told that having done all this, and the judgment being valid as regards municipal law, the position of Great Britain was not altered, and that those proceedings had no effect whatever. But he asked whether it was reasonable or possible that this could remain without challenge and without further inquiry? And was it not reasonable that those who were trying to introduce such Rules into international law should be prepared either to justify, or propose an alteration in, the decision of the Arbitrators? He did not wish to go into further discussion of the matter, as it had been ably discussed before; and his object in rising was principally this. He did wish to urge upon the Government that they should not resist and treat the Motion of his right hon. Friend in the spirit which it had been treated by the Vice President of the Council. He should be the last person to wish to throw a slur upon the Treaty, or upon the Rules included in the Treaty, and he should be the first to regret anything which might lead to the failure of an attempt which he believed was wisely conceived and courageously carried through. The objects which the Government had in view—especially the great object of endeavouring to settle the principles of international law—were worthy objects; and the Government undertook those negotiations with an earnest and firm determination, if possible, to bring them to a settlement conducing to the honour and interests of the country. With this view they spared no labour; they were prepared courageously and patriotically to face the sneers and the cavils to which some portions of the arrangement were sure to expose them; and he knew that they acted throughout with a sincere belief that what they were doing would be of advantage to their own country and to the civilized world. He thought he might venture to say for those who sat on his side of the House that at no period of these transactions had they shown any desire to impede or hamper the proceedings of the Government in this matter; that, on the contrary, they had endeavoured, as far as possible, to assist and forward the object of the Government so far as they could do so consistently with their own view of the public interests of this country. They had now arrived at a period when further action on the part of the Government appeared to be imperatively called for. It appeared to him — and if he gathered correctly the sense of a large portion of the House it appeared to them—that if they stopped where they were—he would not say with reference particularly to a quarrel with America, but in all other respects—they would leave themselves worse off than they were before the Treaty of Washington was negotiated. He would, therefore, urge the Government not to neglect the opportunity now offered to them, not to neglect an expression of opinion that was, he thought, almost unanimous, with regard at least to the spirit in which the Motion was conceived and the way in which it had been brought forward. He would ask the Government not to allow them, by ill-timed negligence, or by an unwillingness to move, to drift into what he believed would be a serious national and international embarrassment.

The ATTORNEY GENERAL rejoiced that it was his fortune to follow his right hon. Friend opposite (Sir Stafford Northcote), to the tone and temper of whose speech it was impossible to take the slightest exception. Yet in that speech—as in almost every other made in that debate—two somewhat inconsistent lines of observation had been followed. There was the discussion of the particular Motion before the House, which was one thing, and there was also the larger—and perhaps in one sense the more important discussion of the Treaty of Washington with the Three Rules embodied in it, and the interpretation put upon them by the Tribunal at Geneva. Now, the House of Commons ought to look carefully to the phraseology of the Resolution which it was now invited to pass. He did not impute to the right hon. Gentleman who had moved it the least intention even to embarrass the Government, still less to place the country in any false or embarrassing position. Still if the right hon. Gentleman (Mr. G. Hardy) would bring a fair and candid mind to the consideration of that question, he was sure that if he were in the position of one of the Arbitrators against whom his Resolution was directed, he would feel, in spite of what the hon. and learned Member (Mr. Harcourt) had said, that the Motion was a direct Vote of Censure upon him. He was sure the right hon. Gentleman, after such a vote, would feel that his position was intolerable, and that he had been treated contumeliously. It was to the Motion of the right hon. Gentleman that the House was asked to assent, not to what the Mover intended. He (the Attorney General) would appeal to the candour of hon. Gentlemen opposite to examine the terms of the right hon. Gentleman's Resolution. Let him suppose that the right hon. Gentleman, or any other person equally entitled with him to respect and reverence, were placed in the position of Arbitrator, and had delivered judgment in a suit between party and party. Suppose that he were selected, as those persons were selected, not merely for a competent but for an unusual acquaintance with the principles of international law, and that he had decided the case between party and party. Suppose that a body like the House of Commons were asked to declare—

> "That, having regard to the oppressive and impracticable character of the obligations, hitherto unknown to international law, which would be imposed upon neutral nations,"

would it not imply that the person who interpreted those Rules either knew nothing of international law, or wilfully misapplied that knowledge? That was really what the House of Commons was asked to do in regard to the Arbitrators who had been selected by two great and independent nations to decide upon those questions. The question was not whether they agreed with the Arbitrators, nor whether, if they had been placed in their position, they would have come to the same conclusion as the Arbitrators had done; it was not even whether they might not think that in many of those matters the Arbitrators had, in fact, displayed what the right hon. Gentleman characterized by the terms of his Motion; but the question was whether it was wise, whether it was dignified, whether it could lead to any good result for the British House of Commons to pass with regard to an Arbitration by which they were bound, which they had thanked the Arbitrators for undertaking, and which they were to pay them for having undertaken, a Resolution which no man in his senses, and who was not arguing to defend a thesis, would deny to be a direct and very heavy Vote of Censure upon those who were the objects of it. Did the House seriously wish to put an end to all the good which had been or might be done by that Arbitration? ["Oh!"] He was surprised that anyone should deny that immense good had been done by it, although in this world there might be no good that was wholly unmixed. The question was whether Parliament was not, on the whole, satisfied with the Arbitration having been undertaken, and with the grave disputes between this country and America having been pacifically and satisfactorily settled by it. If they were satisfied on the whole, was it becoming a great representative Assembly like this to pass a Resolution in those terms when they must submit to and obey the decision of the Arbitrators? With a great deal of what had been said he did not intend to differ. He quite agreed that after the events that had happened the House was entitled to an avowal from the Government of what they held to, and to what they did not hold. [Mr. HORSMAN: And what they will do.] If his right hon. Friend would have some patience—and they had great patience with him the other night—he would endeavour to satisfy him. The terms of the Motion and the course of the debate had been altogether beyond what the occasion warranted, and such as nothing in the Arbitration, or even in the language of the Arbitrators, justified. It was idle to talk of England altering her laws at the dictation of foreign Powers. England would remain true to herself, they might depend upon it. The honour and glory of England were as dear to others as they were to the hon. and learned Member (Mr. Harcourt), and he might rest satisfied that they would do nothing in this or any other matter at the dictation of foreign Powers. But let them use common sense. England was a member of the family of nations, and must be bound by those principles of conduct which civilized States had agreed among each other to adopt. Though it was true that as between Sovereign State and Sovereign State there was no power to impose a duty or enforce a law—and therefore when they spoke of international duties and international law they spoke in incorrect language and used words that were only imperfectly applicable to the subject-matter—still, if the municipal law of any particular nation was such as to render it inadequate to the performance of the duties of a neutral when war broke out, belligerent Powers, he did not say had the right to, but, as a matter of fact, would complain, and call upon it to make its municipal law adequate for that purpose. The Lord Chief Justice, in whose hands no one denied that the honour of this country was perfectly safe, laid it down distinctly that the duties of a neutral Government involved three things—first, that the law of the neutral should be sufficient to enable the Executive to prevent breaches of its duties as a neutral; secondly, that where the application of its law was called for, it should be put in force honestly; and, thirdly, that all proper and legitimate means should be used to detect any intended violation of that law. The rule so properly laid down by the Lord Chief Justice was that where the municipal law of a neutral was insufficient for the discharge of its duties, the neutral might fairly be called upon to alter it. It must either comply with this reasonable, and he might almost say Christian duty, or run the risk of war. Thus much for his hon. and learned Friend's heated appeal to the privileges of the House of Commons—privileges which nobody respected more than himself when appealed to in the proper way. He ventured to say that their best course, as far as the mere Arbitration was concerned, was to hold their tongue—["No, no!"]—to pay the money, and submit. A Gentleman who had been Chancellor of the Exchequer shook his head. [Mr. HUNT: I shook my head when you said we should hold our tongue.] They were obliged to pay, and they had better pay without words. But he admitted that that was not the whole question. Let them see by what principles they were bound. He apprehended that there could be no question that upon prinnciples of law—which were principles of common sense—in a mat- of arbitration, they were bound simply by the decision, and bound by nothing else. The Arbitrators were not Judges, and they were not Legislators. If they were Legislators, and if they had laid down principles of international law, we should be bound by them; and if they were Judges we should be bound by their *rationes decidendi*. But they had no authority beyond that given them by the Treaty of deciding this particular point, according to the Rules and to international law; and as far as they had gone beyond this we were not bound by their decision. Nevertheless, although we were not bound by the strict letter of the law, still, in matters between nation and nation and on questions so important as this, what had been brought forward as the *ratio decidendi*, and still more what had been embodied in the Award by way of Recital, however little binding force it might have, might raise a state of things which might require, on the part of the Government of the United States, or of this Government, some distinct and definite declaration of opinion, how far they considered themselves bound and how far not. [*Opposition cheers.*] He was not conscious that in saying this he had gone an inch beyond his right hon. Friend—[Mr. W. E. FORSTER: Hear, hear!]—who intended to say as much, and if he had not done so had been misunderstood. Many of the speeches to which they had listened that night had conveyed two assumptions. The first was that they would have been better without those Rules at all; and the next, that those Rules introduced some new, unheard-of, and possibly even dangerous obligations upon the position of neutrals. A very little consideration would show that except upon one point, and that a rather doubtful one, those Rules were not new in any other sense than that, as the character of war had altered, and the whole character of the relations of neutral States had changed since the last great war, a number of circumstances had to be provided for and dealt with, which perhaps made it necessary to have a new statement of principles which were as old as the relations of civilized nations. The American Commissioners were anxious for the laying down of some new Rules of international law, and after much discussion the British Commissioners were empowered to agree to those Rules, on the footing that they should be binding for the future, and that as between the United States and ourselves our conduct should be judged as if they had been binding at the time of the depredations of these vessels. They were plain Rules of common sense, intelligible to ordinary understandings. The first Rule required a neutral to exercise "due diligence" in preventing the fitting out, arming, or equipping within its jurisdiction of any vessel which there was reasonable ground for believing was intended to cruise or carry on war against a Power with which it was at peace; as also in preventing the departure of such vessel, adapted wholly or partly within its jurisdiction for warlike purposes. Now this, excepting the last portion of it, was as old as international law itself. From the earliest times the sending forth of an armed ship had been held to be the sending forth of an expedition, and this being an obvious breach of neutrality, "due diligence" was required to prevent it. Objection had been taken to that phrase; but in these matters such general expressions as, "reasonable notice," "proper care," and "due diligence," were customary and necessary terms which could not be further defined, but which no fair-minded man would have any difficulty in understanding. In the administration of the law the construction of them was always left to a jury of twelve persons, and it might fairly be left to five distinguished men like the Geneva Arbitrators. He denied that the doctrine as to "due diligence" was new or oppressive in the slightest degree. The second part of the first Rule had occasioned some dispute. It was to the effect that the neutral was to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war against a belligerent, such vessel having been adapted, in whole or in part, for warlike purposes. What had given rise to that provision? The Foreign Enlistment Act of 1819 was found not to meet such a case. The Court of Exchequer held that under the Act a fully armed vessel might be seized; but they were divided in opinion as to whether the Act applied to the case of a partially armed ship. The Rule was meant to meet that case, and was not a new principle of international law. And how was it oppressive? Why, in 1870 a further Foreign Enlistment Act was passed unanimously, and yet that Act was far stronger as a matter of municipal arrangement than this portion of the first Rule that was now said to be new and oppressive. Certainly it was not new, for the Treaty was entered into in 1871, and the Act to which he referred was passed in the previous year. But it might be said that its provisions need not be enforced. He could not concur in that view, for he held that, a law existing empowering a Government to prevent breaches of neutrality, a foreign Government would have just cause of complaint if that law were not enforced. So much for the first Rule.

The second said that a neutral should not permit either belligerent to make use of its ports as a base of operations. Was that a new Rule? It was as old as the oldest international writer with whom he was acquainted. Was it consistent with amity that a neutral Power should allow itself to be made a base of operations against one or other of two belligerents? Surely not. And then came Rule three, which simply amounted to this—that having agreed to two very excellent Rules, "due diligence" should be observed to carry them into full effect. Was that an oppressive Rule, as it had been called by his hon. and learned Friend the Member for Oxford? [Mr. VERNON HARCOURT dissented.] Well, if his hon. and learned Friend did not call the Rule oppressive, it certainly did not receive at his hands any great garlands of praise. He certainly said that the sooner the Rules were got rid of the better, and he added that in a great European war the Rules would be turned against ourselves.

MR. VERNON HARCOURT: My hon. and learned Friend is mistaken. He applies to the Rules the observations I made in reference to the doctrines of the Award.

THE ATTORNEY GENERAL: If his hon. and learned Friend denied that he said we should be bound by the Rules in case of war, his (the Attorney General's) recollection was at fault. Those who understood his hon. and learned Friend as he did should read the next sentence of the Treaty, which expressly provided that the Rules should be binding only as between the United States and Great Britain. In his humble judgment they existed long ago, and had been perfectly well settled and acted upon; but if they were new they bound nobody until they were brought to the notice of other nations, and they had agreed to them. He could not help thinking that they were exceedingly plain Rules, of which, in time to come, they were much more likely to have the benefit than any other nation. It seemed to have been forgotten that, on this occasion, the parts in the drama between ourselves and the United States were changed. Formerly the United States was the great neutral. England was the great belligerent. That was not so now, and if the Rules were oppressive they would be more oppressive to the United States in time to come than to us. He gave the United States credit for an honourable observance and discharge of their international obligations, and he believed that, were we belligerents, there would be no disinclination on the part of the United States, being neutral, to be bound by the Rules which they had imposed upon themselves. He now came to the interpretation of the Rules—and he had no doubt that the Arbitrators, in the discharge of their functions, took a somewhat erroneous view of the duties imposed upon them. He could not help thinking that all they had to decide was a very definite question — namely, whether there was liability with respect to six or seven definite cases placed before them, and if so, to what extent. Having done that, their duty was discharged. But that was not the view which they took. And here, he must say, he differed very respectfully from the opinion said—he did not know whether correctly — to have been expressed by his right hon. Friend the Chancellor of the Exchequer, to the effect that it would have been better if the Lord Chief Justice had not delivered any Judgment at all. If the other Arbitrators had not delivered Judgments he should have been of that opinion. But they not only did so, but some of the Judgments were delivered before argument; and at all events the Judgment of the Lord Chief Justice had the advantage of being delivered after argument and full consideration of the facts of the case. He could not help rejoicing that that Judgment was delivered. It would have been a source of regret had the other Judgments remained unanswered, and he could not help saying that the Judgment of the Lord Chief Justice was worthy of the occasion and —he could use no higher language— worthy also of himself. It was very desirable that our Case and our view should be stated, not by our Counsel, not by the person to whom our Case was committed, but by an Arbitrator in the discharge of an important and impartial duty. There was a good deal in the Judgments which he agreed in thinking might be discarded, and as far as the Recitals were concerned, there were some which he thought untenable, though he could not admit they had all been dealt with in perfect fairness. With regard to the question of "due diligence," the mere expression of opinion on the part of the Arbitrators as to the mode in which the damages were to be assessed, in default of "due diligence" being exercised, was erroneously taken to be the Arbitrators' interpretation of the Recital. The expression of opinion assumed "due diligence," and did not in any way attempt to interpret it. They then expressed their opinions in reference to the mode in which damages were to be assessed. He confessed himself unable to understand the meaning of the word "exact" as applied to the proportion of injury likely to be sustained. A man was more to blame if by leaving open a door he knew he would be causing another man's death than he would be if his neglect was not likely to result in more than the causing a man to sneeze. The determination of the exact amount of culpability was, however a matter of considerable difficulty and delicacy. It would be unfair altogether to measure the blameworthiness in proportion to the consequences of events which could not be foreseen, and if that was the interpretation to be put upon the Recital he could only characterize it as untenable. A ship built *bonâ fide* in a neutral country might afterwards be commissioned by a belligerent Power, but the neutral could not therefore be held responsible for the damage done; the responsibility would be in proportion to the negligence by which a neutral Power permitted a ship so built within its borders to escape for the service of a belligerent Power. Mr. Adams, the United States Arbitrator, signed the Recitals and the Award; but they had the advantage of the separate opinion of the several Arbitrators, and it was very legitimate to look at the opinions to see what a particular person meant by a doubtful act. Mr. Adams expressly denied that he would allow the principle which the right hon. Gentleman (Mr. G. Hardy) supposed him to be contending for when he signed the Recitals to apply to the United States. He said the right to decide such a point rested exclusively with every Sovereign Power. If a vessel arrived at an English port furnished with a commission as a belligerent, and Her Majesty's Government recognised it in that character, however much he might regret it, he could not dispute the right of the Government to do so. He laid down as his opinion that which was directly contrary to the opinion which the right hon. Gentleman had placed on those Recitals. He (the Attorney General) now came to the last, which was a very important one. It had been assumed that this Recital was intended to cover the case of the *Shenandoah*, and to justify her condemnation on the ground of her increased quantity of coal. Those Recitals were placed before the Award, and contained the grounds on which the Arbitrators acquitted us as well as the grounds on which they condemned; and when they came to deal with this particular case they stated their reasons for the way in which they had acted. They dealt with the case of the *Shenandoah*, but they put their condemnation of that vessel upon the augmentation, clandestinely effected, of her force. He quite admitted that if the Recital meant to say that a few coals put on board for the purpose of continuing the voyage would be an act which would make the port where the coals were obtained a base of operations, that that would be perfectly indefensible and inconsistent with international law. The Foreign Enlistment Act expressly condemned any ship dispatched to take part in a naval operation, and it had been held under that clause that a steam tug which towed a prize from Dover to Dunkirk was engaged in a naval operation; and perhaps there was not much difference between that case and the case of a lighter going out for the purpose of coaling a war steamer to enable her to go after the enemy. In 1862 we issued orders to our naval commanders, providing that no ship of war or privateer of either belligerent should thereafter be permitted, while in British waters, to take any supplies, except provisions or so much coal as might be sufficient to carry such vessel to the nearest port of her own country, and that no coal should be supplied again to any such vessel till after the expiration of three months from the time when she was last supplied in British waters. He would not, therefore, contend that the negligent or improper supply of coal to the vessel of a belligerent would not be a breach of neutrality fairly chargeable against us; but the matter was not quite so clear as it had been assumed to be by hon. Gentlemen. He quite admitted that although the Recitals were not binding, and although in his judgment there were many of them which were perfectly indefensible, yet they were so mingled with the findings of the Arbitrators themselves that any plain man might say—"You must take the Award with all that is in it." But if he (the Attorney General) were Her Majesty's Government he would do no such thing. He would not press upon foreign nations those Recitals in their present shape, and he thought it would not be advisable to put them before foreign nations without some distinct statement at the same time that we did not and would not agree to them, and that while we agreed to the Rules themselves in the sense in which plain men understood them, and the sense in which they were intended, we entirely dissented from the glosses, rather than interpretations, which had been put upon them by the Arbitrators. Now, if the question were asked, "What shall we do?" his answer would be, "Nothing." He did not think this was a favourable time to open negotiations with the United States for the purpose of arriving at an understanding as to how much or how little of these glosses, interpretations, or comments they agreed with us in accepting or refusing. That nothing could be done with the foreign Powers until the United States joined with us in urging them to accept these Rules he was perfectly satisfied. It was our bounden duty, not of ourselves, to bring these Rules under the notice of foreign Powers, but to do so in conjunction with the United States. This was not a party question. It ought not to be a party question. Every Member of the House, on whichever side he sat, ought to be as jealous with regard to the honour and character of this country as he was with regard to his own. He was quite certain that in what his right hon. Friend had said he did not intend even to do so slight a thing as to embarrass the Government. He was quite sure his right hon. Friend did not intend to do a far more serious thing—namely, to commit the country to an unworthy course, exhibiting herself to the civilized world as a country that barked and did not bite; that grumbled, but paid; that murmured, but submitted. If all that his right hon. Friend desired was to extract from the Government a distinct explanation of what they agreed to, and of what they dissented from, with reference to these Rules, he had abundantly obtained his object. If his right hon. Friend desired more, he (the Attorney General) thought he was not entitled to success; and if he should persevere, he was sure he would excuse him for saying that he hoped he would be defeated.

MR. DISRAELI: I have heard with much satisfaction from the Attorney General that Her Majesty's Government are prepared to disavow the interpretation which has been put on the Three New Rules by the Tribunal at Geneva, and that they undertake to make no representation to foreign Powers without at the same time communicating to them the interpretation which they place upon those Rules—being one contrary in every sense to the interpretation put on them by the Tribunal at Geneva—in accordance, it must be admitted, with the description given of them by Her Majesty's Government themselves, and especially by the Lord High Chancellor of England, who took so conspicuous a part in these affairs. The House will under these circumstances, I think, agree with me that the discussion in which we have been engaged this evening has proved of some advantage. The question is now placed in a much more satisfactory manner before the country, and many minds will in consequence be relieved from anxiety by the declarations which have been made on the part of the Government, and which I trust the Prime Minister himself will confirm. If he does so those declarations will, I hope, prevent any unnecessary division in this House upon a subject which, though of transcendent interest, is one on which we ought to cooperate as much as possible with the Government of the day, so that we may show a determination not to sanction interpretations of the new Rules which might imperil the future fortunes of this country in a manner which by some persons has not, perhaps, been sufficiently considered. I may remind the House that one of the great recommendations of these Rules made to us by Sir Roundell Palmer was that they were very precise in their character. Although he had doubts himself with regard to some portions of them, as to their expediency, in the first instance, he recommended them to the adoption of the House in consequence of their precise character; and I remember that he said—"I prefer them to the arrangements made by Lord Stanley with Mr. Reverdy Johnson, because they are precise; we know what our engagements are, and therefore we may be easy as to the future." But, unless the House of Commons had interfered, as it has done to-night, and unless we had received a declaration such as we have received from some Members of the Government, and which I have every hope will be sanctioned by the Prime Minister, it is quite clear we could not feel that easiness with regard to the future, which the Lord Chancellor of England seemed to contemplate. Sir, I look upon this question entirely with regard to the future, and I take the expressions of the Lord Chancellor to guide me. I heard with great regret that part of the speech of the Attorney General where he appeared to argue as if there was a proposal emanating from this side of the House to break away from the engagements of the Treaty of Washington and to reject the verdict of the Arbitrators, and as if there was some feeling of discontent and disappointment in consequence of the decision at Geneva which led us to appeal to the House of Commons to pronounce an opinion as to the interpretation which ought to be put on the new Rules.

THE ATTORNEY GENERAL: I did not allude to the right hon. Gentleman the Member for the University of Oxford.

MR. DISRAELI: I am very glad that you did not; for if such a charge had been made against any hon. Gentlemen on this, or even upon the other side of the House, I should have felt it my duty to vindicate them against any such imputations. But I do not want to remember what has passed on this subject. I regret much what has passed, but I am willing to believe that, upon the whole, the result has been for the public advantage, if we now act with decision and at the same time with prudence. The exercise of these qualities is absolutely necessary in our present situation. I do not grudge the verdict which has been given against us. I am willing to believe that the general course of this transaction, if it tends to maintain a thorough friendship between the two countries, is not to be deprecated. But I am convinced that, unless we arrive at some precise meaning as to the engagements into which we have entered by the intended introduction of the Three New Rules into the international law of Europe, we shall find ourselves involved in great difficulties, and that those who come after us will repent the course which we have taken and sanctioned. But it is only the future that I now wish to consider. I cannot help feeling that Her Majesty's Government have not given to this matter the consideration and attention which its importance and instant character appear to me to demand. Why, at the commencement of the Session the Prime Minister was under the impression that the Government had already communicated the new Rules to the Powers of Europe; but he afterwards learnt [Mr. GLADSTONE: The same night.] that that statement was made inadvertently. The same night—but what does it matter whether the correction was made the same night or a month after? The fact remains, that we had not communicated with the States of Europe; and that the matter was not considered to be of gravity and importance is evident from the circumstance that even the Prime Minister—the person most responsible for the communication—was really in absolute ignorance whether a communication had been made or not. Then, again, another Member of the Administration informed us that if the communication of the New Rules was made to foreign Powers, it would be made without note or comment. Why, that is the whole question before us. We are of opinion—and I think the House of Commons generally concurs in that opinion—that the communication should not be made without note or comment; and, if I understand the Attorney General aright, that is now also the opinion of the Government. If that be so—if the Government are convinced that in fulfilling the duty which they have engaged to perform under the Treaty, of communicating those Rules to Foreign Powers, they must accompany the communication with the precise interpretation which they put upon them—if, at the same time, they take steps to arrive at an understanding with the United States with respect to them, then this debate will, I think, not have been in vain, and the House will feel that it has done its duty in seriously calling the attention of the Government to the subject. There is one point, I should add, which was mentioned by the right hon. Gentleman the Vice President of the Council, The right hon. Gentleman on more than one occasion informed us that the last letter—I suppose he meant despatch—which was sent to the United States had not been answered, and from some expressions which he used I would infer that until that answer arrives no further steps will be taken by the Government to bring this anxious matter to a conclusion. Now, that is a course which I should say would be most unsatisfactory to the House. It is, I think, the desire of the House that whether an answer has or has not been sent by the United States to the last despatch of the Government, means should be taken—and there are usual and obvious means when despatches are not answered—to revive the memory of the United States on the subject. Nor can I suppose, under all the circumstances of the case, the verdict of the Arbitrators having been of a character which has not a mortifying complexion for the Government of the United States, but that there would be every inclination on their part to meet us in a friendly and hearty spirit as to the interpretation to be placed upon the Three New Rules. I trust, therefore, that but a very little time will have elapsed before we shall have it communicated to the House that an understanding between the two countries has been arrived at in the matter. I am not quite clear that a joint communication is necessary under the provisions of the Treaty of Washington, but I doubt it. [MR. GATHORNE HARDY: It is not necessary.] I think it is not necessary, and therefore question whether the Attorney General was warranted in his assertion on that point, unless he has the Treaty in his hand. It states that—

> "The High Contracting parties agree to observe those Rules as between themselves in future, and to bring them to the knowledge of other maritime Powers, and to invite them to accede to them."—[*Article* vi.]

There is nothing like joint action. ["Oh, oh!"] I say that without the slightest fear of its being disputed. I do not mean to say that it is not desirable that there should be joint communications. I merely wish to point out what are our engagements under the Treaty in the event of there being delay on the part of the United States, and what is the freedom of action of which we may avail ourselves. If the United States should not act with us with that unanimity which I think we are entitled to expect, it seems to me that it is in the power of the Government of the United Kingdom to determine what is the interpretation which they place on the three New Rules, on their own responsibility and by their sole communication to make that interpretation known to foreign Powers. I trust it may not be necessary to have recourse to such a step, and that there may be a joint communication; but there can be no joint communication unless the Government give more earnest attention to a matter of great public interest than it seems to me they have done hitherto. At all events, the sooner the Government can arrive at an interpretation of the Rules they have introduced, and the sooner they can prevail upon the Government of the United States to state what are their intentions upon this matter, the better it will be for the general interests of Europe and for the maintenance of the general peace. I cannot agree with one hon. Gentleman who has addressed the House that this verdict of the Geneva Tribunal is a matter of indifference. On the contrary, it is a verdict which will be appealed to in the future as an authority on the law of nations. On what does the law of nations rest if not upon authorities of this kind? I admit with the Attorney General that the law of nations depends upon Treaties; but the Attorney General will agree with me that the greater portion of the law of nations does not depend upon Treaties. It would be well if it did; but it would not be difficult to prove that much the larger portion of the law of nations depends on the authority of individuals—writers who have studied the subject, and who have become recognized in the countries in which they have flourished as high authorities on jurisprudence. But the high authority even of distinguished Judges and renowned philosophers writing on these matters will, after all, not be regarded with the same veneration and as having the same corporate authority as the decision of a Tribunal which had been appointed by by the greatest Powers in Europe to decide this question. We are now familiar with the proceedings of the Tribunal at Geneva; but 10 or 20 years hence this country, when questions similar to this may arise, and when they are being debated in this House and in other Assemblies, depend upon it the authority of the Tribunal at Geneva will be appealed to, and its decisions will be looked upon as forming part of the law of nations. Therefore, it is of the utmost importance that time should not be lost. This is not only a great but a pressing subject. If war were unhappily to arise in Europe, and if we fail to come to some understanding with the United States as to the general interpretation to be put upon these new Rules, and if we fail to take the precaution of communicating them, as we are bound by the Treaty of Washington to do, to the Powers of Europe, accompanied by the precise interpretation of the British Government upon them, we may find ourselves involved in disaster. I am not displeased at the prospect that the discussion of this evening should end without a division; and I hope there is a general concurrence of opinion that this matter can be no longer delayed, and I trust we shall hear from the highest authority that the best exertions of the Government will be given to bring it to a happy conclusion.

MR. GLADSTONE: The first thing the right hon. Gentleman will hear from what he is pleased to term the highest authority is, that there is no change of view on the part of the Government with respect to the question connected with these Rules, and that it is a matter which has never been neglected. The right hon. Gentleman and the hon. and learned Member for Oxford (Mr. Harcourt) have obligingly reminded me of a lapse of memory on my part on the first night of the Session, on account of which I have already apologized to the House. I am, however, not indisposed to apologize to the House again, or any number of times the House may please. Perhaps the right hon. Gentleman is not conscious of what a lapse of memory can be; but I know of a case of a Gentleman who, having been Chancellor of the Exchequer, has charged as a high crime and misdemeanour the conclusion of a pecuniary arrangement which he himself had initiated. It would be invidious to enter into particulars; but there are Members of the House old enough to remember the circumstances, which attracted some attention at the time, and which I presume the right hon. Gentleman has not forgotten. I deeply regret the lapse of which I was guilty; but it happened that I at the time confounded what I had read in despatches with regard to informal communications with actual statements upon the Rules, and I explained the same evening the error into which I had fallen. The right hon. Gentleman has found fault with a remark of my right hon. Friend the Vice President, who has stated that the last communication upon this subject had been made by Great Britain, and that therefore it rested with the United States to take the next step. The right hon. Gentleman thinks it most important that the subject should be resumed at once, lest by the outbreak of war we should become involved in difficulty. If, unhappily, a war should arise in Europe, and we, unhappily, should be involved in it, it would have nothing to do with this question. The question relates to an engagement between this country and the United States, and the nations of Europe have no concern whatever in it, nor does it enter into our relations with them. We are very far from thinking this is a subject in which there ought to be indefinite delay; but what is our position? Here is a complicated instrument, the Treaty of Washington, embracing the settlement of a large number of international questions. We began to deal with the subject now under consideration almost immediately after the conclusion of the Treaty; but we were interrupted in that correspondence by the occurence of a controversy on the subject of the Indirect Claims. That reminded us that, although there are great difficulties between the two Powers still remaining unexecuted, it may be wiser to look first to the execution of those conditions, and postpone until after they have been completed a proceeding such as that connected with the Three Rules, which concern the joint action of the two Powers towards the rest of the maritime Powers of the world. I wish to state this plainly, because I should deceive you if I gave reason to believe that we contemplated immediately pressing the United States to resume the correspondence. We think it better—especially now that we are approaching, as I hope, the satisfactory interpretation of the whole of those great transactions under the direct clauses of the Treaty—to wait until those matters are concluded before we resume the subject of the Three Rules. The right hon. Gentleman has also stated that he does not think we are in any way bound by the language of the Treaty to make a joint communication of these Rules. Whether we are bound or not, I should anticipate very little advantage from a separate communication. And I think a moment's reflection will show the right hon. Gentleman how little chance there could by any possibility be of procuring acceptance of these Rules in case the two Powers originally accepting them were unable to agree in submitting them. A joint communication was evidently contemplated by the Treaty, and a joint communication would alone afford reasonable promise of that attainment of the objects of the Treaty. Now, with reference to the debate, I may be allowed to commence my remarks by thanking the right hon. Gentleman (Mr. Hardy) for the spirit in which he introduced this question to the notice of the House. I must say it entirely fulfilled the purpose which the right hon. Gentleman had in view. I am also glad that the right hon. Gentleman found time in the midst of his closely-argued statement to do justice to the action of Lord Russell in regard to the difficult transactions which were under his management at the time when he was Foreign Minister. There is no man who has a keener sense of the national honour than Lord Russell, and no one who, with that keen sense of the national honour, knows better how to fulfil all the international obligations of this country, I am also obliged to the right hon. Gentleman for this—that, in the first place, he most usefully limited this discussion, and kept it within its proper bounds by entirely passing by the individual opinions and statements of the Arbitrators. If we were to enter into those statements, there would be no possibility of setting limits to this debate. The right hon. Gentleman recognized as the proper subject of his Motion the joint statements of the Arbitrators. I must also refer with satisfaction to the view taken by the right hon. Gentleman of the Three Rules themselves, because he said, had it not been for the joint statements of the Arbitrators and the colour they gave to the Rules, he would not have made the Motion and invited the attention of the House to the subject. With that statement I am quite content. There are, however, one or two other statements of the right hon. Gentleman which appear to me to be hardly consistent. I greatly doubt whether he was perfectly correct in saying that the obligation to enforce international law could be limited according to the institutions of each country. And I here would venture to question whether it can be laid down as a universal proposition that the belligerent is bound to be content with the judgment of the neutral Court.

Mr. GATHORNE HARDY: With respect to the first, that is not my statement. I said there was an absolute right to enforce international law, but no right to enforce municipal law.

Mr. GLADSTONE: I am very glad to hear that, and I am glad to observe that others should have laboured under the same misapprehension. Now, while there are conclusive reasons which must lead the Government to object to the adoption of this Address, there is no substantial difference between the right hon. Gentleman and ourselves as regards the practical object. From one point of view I am very sorry that this discussion has been raised; because, if I could, I would wish that the Members of the Government should keep a silence which is not binding on others, with respect to the declarations of the Arbitrators. But, while I regret that we have been obliged to open our mouths, I am as far as possible from complaining that a subject so legitimate and proper for discussion should have been raised by the right hon. Gentleman. I concur with what fell from my right hon. Friend near me (Mr. W. E. Forster), and with the Attorney General in his more detailed statement with regard to some of the propositions of the Arbitrators. They pass entirely beyond the limits and bounds of my understanding; they belong to a higher region of law, into which I am not able to follow; but after the full discussion which my hon. and learned Friend has entered into with regard to those propositions, I do not think it necessary for me to dwell upon them in detail, or even to refer to them particularly. But I would wish to point out where it is that I would begin to part company with the right hon. Gentleman (Mr. Hardy), treating this subject, I hope, in the same spirit in which he has treated it. After the very fair account that he has given of the Three Rules, I think he has done some injustice to his own admission by speaking of the Recitals of the Arbitrators as their interpretation of these Three Rules. I contend they are not an interpretation, speaking generally, of the Three Rules. I do not think it possible, for instance, to say with reference to a portion of the Recitals in the *Alabama* case, that because the measures taken were unsuccessful they did not satisfy the conditions of "due diligence." It surely is is not possible to contend that this is an interpretation of the term "due diligence." To hold and apply as a principle, that in the workings and administration of any Government upon earth you can never allow "due diligence" to have been used except where the means have been completely successful, may be a corollary or deduction, but, call it what you like, it is no interpretation of the Rule, because it has no just or fair reference to the meaning of the words contained in the Rule. When in construing the words a perfectly arbitrary consequence is sought to be drawn, and an enlargement made which can in no way be brought within the meaning of the words, we do injustice to the document in treating the Recitals as an interpretation. But an admission has been made by my right hon. Friend (Mr. W. E. Forster), and more fully by the Attorney General, that although the Recitals of the Arbitrators are in our view no interpretation of the Three Rules, and do not in the slightest degree, rightly considered, prejudice the Three Rules, yet we admit that they are important facts for the legitimate consideration of the House. It is impossible to deny that a certain relation is established between them and the Three Rules, unless something can be said to the contrary. Now, I think that is really the gist of the Motion of the right hon. Gentleman. I will now state very briefly why we cannot adopt the Motion. In the first place, I think that the effect of the Motion treating the comments of the Arbitrators as an interpretation of the Rules, is not perfectly just to the Rules themselves. My hon. and learned Friend the Member for Oxford (Mr. Harcourt) is perfectly ready to meet me upon that ground, because, differing entirely from the right hon. Gentleman opposite, and differing entirely from the terms of the Motion which he supports, for the Motion asks that the Rules may be disconnected from the instructions attached to them, he demands that the Rules may be cancelled altogether. The hon. and learned Gentleman, of course, would say—"If the Motion tends to disparage the Rules, so much the better." I am sure the right hon. Gentleman opposite, who sees the position in which we stand under the stipulations of the Treaty, has no such object. I must also say that I greatly doubt unless there were an imperative necessity—and I grant a necessity would arise if there were a difference of opinion in the House as to the course taken by the Government—I say, I doubt whether, when the world might say that we were smarting under the decision which has been given, it would be a *nodus vindice dignus* if the House were to descend into the arena, and on the part of the people, in its representative character, should make complaints of this kind. The state of opinion abroad with respect to this question between America and ourselves has been by no means unequivocally in our favour, and I do think it is of great importance that we should take in uncomplaining silence the Arbitration itself, and not have it said that we gave signs of mortification while we were performing the process of disbursement. I am not going to make a verbal criticism on the Motion of the right hon. Gentleman. It is somewhat complex in the mode of drawing. The right hon. Gentleman invites us to make a representation not only with respect to the interpretation of the Three Rules, but with regard to the other principles of international law adopted by the Arbitrators. Now, I am sure he will see that the question whether the other principles of international law adopted by the Arbitrators, outside the Three Rules, are sound or are not sound, is a matter having no connection whatever with the interpretation of the Three Rules. All of us desire that the two subjects should not be mixed up together. There is another objection, which is solid and of considerable weight. The words of the right hon. Gentleman as they stand would call upon us to register a dissent from the whole of the principles recited by the Arbitrators. It is not to be a dissent from certain principles of the Arbitrators, but it is to be a dissent from the principles recited by the Arbitrators. Now, if the House could adopt a Motion of this kind, which I hope they will not, it would be a direction to the Government, and for the fulfilment of that direction they would still have to depend on the Government of the day. I take it for granted the right hon. Gentleman would not desire to give that direction unless he saw something in the views and explanations of the Government which was not satisfactory. There appears to have been some misunderstanding as to the terms used by my right hon. Friend the Vice President of the Council, which were afterwards more fully and satisfactorily developed by my hon. and learned Friend the Attorney General, and although I am going to point out an important distinction, I do not really think it can possibly be made the subject deliberately of any difference of opinion between the two sides of the House. What was said by the Attorney General was this. He has admitted that the gloss, as he called it, on the Rules will, though illegitimately and improperly, be held to stand in some relation to the Rules, and to be of more or less authority, perhaps, in the determination of similar cases if they arise; and that, in consequence, although we hold these Recitals of no authority, it is our duty to ascertain that when we proceed, as we trust we shall proceed, in conjunction with the United States, to recommend the Three Rules to the acceptance of the other Powers, we shall recommend them totally disencumbered of these Recitals—that it is our duty to place them outside of the Rules, to destroy all connection between them, and to take care that there is no mistake or ambiguity whatever in that respect. That, I think, is in substance what he said. The criticism of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) took a somewhat wider sweep than the speech of the right hon. Gentleman the Member for the University of Oxford, for he says he understands the Government to be engaged in recommending the Rules to the maritime Powers to put on them the most decided and precise interpretation. Negatively, I agree with the right hon. Gentleman—we recognise it as our duty to take care that, as far as we are concerned, these *Dicta* of the Arbitrators—these Recitals, the *rationes decidendi*, are not allowed to enter into the question; but if he means that we are to place a substantive interpretation on the Three Rules—a comment to be framed on the text—then I say, first, that it is by no means implied in the Motion; and, secondly, I think such a course would be open to considerable objection. How are you to offer along with Rules which are to form part of international law a comment as to the light in which they are to be regarded? That comment must be of equal authority with the Rules themselves if it is to be of any value at all; and if it is to be of equal value with the Rules themselves, it ought to constitute a portion of the Rules. That would be travelling back to where we set out from, and we should have at last to aim at an entire re-construction of the Rules. With regard to the Three Rules I refer for their exposition to the argument of my hon. and learned Friend the Attorney General. With one single exception, I am aware of no ambiguity attaching to the Rules. The Rules passed through the ordeal of the Geneva trial, and stand well. As truly stated by the hon. and learned Member for the City of Oxford (Mr. Harcourt) there was a point which rose immediately after the conclusion of the Treaty, with regard to the application of the second Rule. It appears that Mr. Fish was of opinion that some supplemental explanation between the two Governments would be requisite, and as far as that goes I admit it will be necessary that some substantive step should be taken. That has reference merely to an isolated point, and in no way enters into what has been in dispute to-night. As to the dispute to-night I do not understand that the right hon. Gentleman the Member for Oxford University asks us to lay down a number of substantive doctrines of international law over and above what are involved in the Three Rules. To such an engagement, as I understand it, this Motion certainly does not bind us. It would be totally impossible to determine these matters by abstract general Rules. If that be so, I trust I am correct in my statement that, so far as I am aware, there is not any substantive difference of opinion between us. I hope I have clearly, if imperfectly, re-stated what the Attorney General gave as his own opinion—namely, that you have a right to expect that we should take care that our recommendation of the three Rules does not carry with it, in whole or in part, in substance or even in shadow, so far as we are concerned, the Recitals of the Arbitrators as being of any authority in this matter; and I hope the right hon. Gentleman the Member for Buckinghamshire will see that I wish to give the proper interpretation to the words he used as to precision of language. I may state that I heard the speech of the hon. and learned Member for the City of Oxford with very different sentiments from those with which I listened to the speeches of the right hon. Gentleman the Member for the University of Oxford (Mr. G. Hardy), my right hon. Friend the Member for North Devon (Sir Stafford Northcote), and my hon. Friend the Member for Orkney (Mr. Laing). I feel that the concordant expression of opinion generally manifested in the House will tend to strengthen the hands of the Government. The object sought will thus be better attained than by the adoption of a Motion which would rather have a contrary effect, and appears to me open to grave objection.

Mr. GATHORNE HARDY said, that after the statement of the right hon. Gentleman, and the distinct disavowal by the right hon. Gentleman and the Attorney General of the Recitals of the Arbitrators, he would, with the permission of the House, withdraw his Motion.

Amendment, by leave, *withdrawn.*

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—CIVIL SERVICE ESTIMATES.

Supply—*considered* in Committee.

(In the Committee.)

(1.) That a sum, not exceeding £26,338 11*s.* 8*d.*, be granted to Her Majesty, to make good Excesses of Expenditure beyond the Grants for the following Civil Services for the year ended on the 31st day of March 1872, viz.:—

	£	*s.*	*d.*
Class I.			
Furniture of Public Offices	67	12	0
Industrial Museum, Edinburgh	220	16	2
British Museum Buildings	541	6	3
Portland Harbour	2	12	8
British Embassy Houses, Paris and Madrid	1,106	18	0
St. Paul's Cathedral: National Thanksgiving	378	1	6
Class II.			
Foreign Office	81	9	11
Charity Commission	69	10	10
Poor Law Commission, England	408	19	4
Office of Works and Public Buildings	1,038	14	4
Household of the Lord Lieutenant of Ireland	100	19	0
Class III.			
Court of Chancery, England	4	2	0
County Courts	16,172	17	8
Land Registry Office	2	8	1
Court of Probate, Ireland	123	19	10
Registry of Judgments, Ireland	18	16	10
County Prisons, Ireland	1,537	7	9
Class IV.			
Universities, &c. in Scotland	121	0	3
Class VII.			
Temporary Commissions	4,340	19	3
	£26,338	11	8

General Sir GEORGE BALFOUR objected to the money being obtained without explanation after so long a time had elapsed.

Mr. BAXTER said, the Vote was rendered necessary by the Exchequer and Audit Act. The Committee upstairs had recommended that these Excesses should be voted.

Vote *agreed to.*

(2.) Motion made, and Question proposed,

"That a sum, not exceeding £209,551 8*s.* 1*d.*, be granted to Her Majesty, to make good Excesses of Expenditure beyond the Grants for the following Revenue Departments for the year ending on the 31st day of March 1872, viz.:—

	£	*s.*	*d.*
Post Office	37,775	10	0
Post Office Telegraph Service	171,775	18	1
	£209,551	8	1

Mr. WHITE said, he felt it his duty to call attention to the first Report from the Committee on Public Accounts which had been delivered that morning. In connection with this Vote, and after the issue of the Report named, the Treasury Department ought to repent in sackcloth and ashes. There never was a more startling testimony to the inefficiency of our Administrative System in relation to a Departmental disbursement of public moneys than the Vote now asked for. A sum of £171,775 was required to make good the excess expended by the Post Office Telegraph Department for the year ended the 31st of March, 1872. That excess was attributed by the Post

Office to an under estimate; but it was, in fact, the amount of an unauthorized expenditure or net deficit. It would seem from the Report that the existing elaborate and costly check of an Audit Office and Comptroller was practically valueless, the position of the Postmaster General was compromised, the National Debt Commissioners and their subordinates were all asleep, and that the control and responsibility of the Treasury for the due and regular conduct of the Revenue Departments were wholly illusory—indeed, an official figment. That was strong language; but it was entirely justified by the words of the Report, a few passages of which he proceeded to read. The Committee reported that the Comptroller and Auditor General observes—

> "That transfers of £644,936 had been made from the Telegraph Vote to capital account; that, by this means, the Department has escaped the necessity of submitting estimates for extensions and improvements, and the control of Parliament has been avoided," and further add that "having made inquiry of Mr. Scudamore on this point, it appears from his replies, that the proceeding thus commented upon with respect to previous transactions had been repeated during the last twelve months, and that the whole of the additional million of capital granted in 1871 having been spent, the Department, instead of applying to Parliament for a further grant, has continued its payments for extensions, &c., defraying the cost out of the balances in the hands of the Postmaster General; that £656,000 had been spent up to the end of November, 1872, and that a sum not far short of £800,000 will have been so expended before the end of the current financial year, and that a large proportion of this had been derived from Savings Banks Deposits. Your Committee do not hesitate to express the opinion that this wholesale expenditure out of the balances in anticipation of the Vote is in the highest degree irregular and objectionable, and appears to be in conflict with the provisions of the Telegraph and Savings Bank Acts, nor can they admit the plea of urgency, seeing that four years have now elapsed since the Telegraph Service was taken over by the Government; but further and still more important considerations arise, to which, though less directly within their functions, they desire to call the attention of the House of Commons."

The unanimous decision of the Committee of Public Accounts was that—

> "(1.) Under the present system, the Post Office would appear to have the uncontrolled power of dealing with balances to the extent probably of a million in excess of its legitimate requirements.
>
> "(2.) So far as those balances consist of Savings Banks Deposits, such dealings must be held to amount to misappropriation of a peculiarly serious character.
>
> "(3.) If, as is understood, the National Debt Commissioners are constantly kept informed of the sums due to them, some strange defect of power or activity would seem to have interfered with their obvious duty of calling for the balances with a view to investment.
>
> "(4.) The check of the Audit Office, which is also supplied with monthly statements of receipt by the Postmaster General, must be imperfect, if not altogether nugatory.
>
> "(5.) The position of the Postmaster General is compromised if the secretary in his office can carry on such enormous operations by means of moneys for which he, as chief, is liable to account to the public.
>
> "(6.) Finally, what becomes of the control of the Treasury over a Revenue Department, for the due and regular conduct of which it is in the highest degree responsible, if such things can happen, not once, but repeatedly, and if the abstraction of such enormous sums from their legitimate destination can continue to be unnoticed throughout the whole of a financial year, even up to the time when the statement of the year's income is formally submitted to the public? The Treasury state they had no knowledge that the authorised capital had been exceeded; but it must be observed that the evidence taken by your Committee last year brought out the fact that such would inevitably be the case, while it was known to them that similar though less extensive transactions were covered by the grant of the additional million in 1871."

So long as the House of Commons claimed and exercised the exclusive guardianship of the public purse this question was one of the highest constitutional importance, and he felt confident that the Government would institute forthwith a searching and complete investigation into this flagrant default.

MR. SCLATER-BOOTH said, he had no intention to bring the subject before the House at that moment, but to have done so when the Vote on account of the Telegraph Service was taken, when he should have asked the Chancellor of the Exchequer to cause immediate inquiries to be made into the subject, and lay the result with any proposals he had to make before the Committee of Accounts, that they might inform the House what the right hon. Gentleman proposed. The Committee felt themselves bound to express their opinion in strong terms of the course that had been pursued in the Post Office Department—a Department that had large sums of money at its command, and which could be used without the knowledge or consent of Parliament.

THE CHANCELLOR OF THE EXCHEQUER promised that a thorough inquiry should be instituted, and that the result should be laid before the Committee.

Mr. FAWCETT suggested that the Vote be postponed, as the question which had been raised was of a grave character calling for inquiry. He moved that the Chairman report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Fawcett.*)

Mr. LIDDELL was of opinion that the subject could be more satisfactorily dealt with by the Committee sitting upstairs than by a Committee of the Whole House. At all events, this was not the proper time to raise the question.

Mr. RYLANDS said, he thought these excesses ought to be voted at once. The question now under consideration had no reference whatever to the large amount of expenditure which had been improperly incurred.

Mr. BAXTER said, that in deference to the opinion expressed by the Committee, he would not propose the Vote on Account that evening. The question now before the Committee related solely to past expenditure.

Mr. MONK said, he hoped the hon. Member for Brighton would press his Motion to a division.

Mr. CANDLISH said, the passing of this Vote would not preclude discussion on the question raised by the senior Member for Brighton (Mr. White).

Mr. LIDDELL said, that the great financial scandal disclosed in the Report of the Public Accounts Committee was sure to excite attention as soon as it came under the knowledge of the House. The Government had, however, given a fair and proper assurance that the whole matter should be the subject of a departmental inquiry. The Committee would therefore do well to pass the present Vote, which had been approved by the Controller and Auditor General, and in regard to which no irregularity was alleged.

Mr. FAWCETT said, that it was just because a great financial scandal had been disclosed that he objected to vote an excess in the accounts of the Department which rested under that scandal. He should persist in dividing the Committee, because they ought not, at 1 o'clock in the morning, to vote a single penny to a Department thus discredited.

Mr. BAXTER said, if the Committee refused the Vote they would be casting a slur not only upon the Audit Office, but also on the Committee of Public Accounts, which raised no objection to this Vote.

Colonel BARTTELOT appealed to the Government not to press this Vote at 1 o'clock in the morning, after the great scandal that had been disclosed.

Question put.

The Committee *divided:*—Ayes 23; Noes 64: Majority 41.

Original Question put, and *agreed to.*

(3.) Motion made and Question proposed,

"That a sum, not exceeding £1,842,000, be granted to Her Majesty, on account, for or towards defraying the Charge for the following Civil Services, to the 31st day of March 1874, viz.:—

Class I.	
Great Britain:—	£
Royal Palaces	5,000
Royal Parks	17,000
Public Buildings	25,000
Furniture of Public Offices	2,500
Houses of Parliament	5,000
New Home and Colonial Offices ..	10,000
Sheriff Court Houses, Scotland ..	2,500
National Gallery Enlargement ..	7,000
Glasgow University	3,500
Industrial Museum, Edinburgh ..	1,500
Burlington House	5,000
Post Office and Inland Revenue Buildings	26,000
British Museum Buildings	1,000
County Courts	6,000
Science and Art Department ..	3,000
Surveys of the United Kingdom ..	22,000
Harbours of Refuge	3,000
Portland Harbour	50
Metropolitan Fire Brigade	2,500
Rates on Government Property ..	6,000
Wellington Monument	750
Natural History Museum	13,000
Metropolitan Police Courts	2,000
New Courts of Justice, &c.	11,000
Anstruther Harbour	1,500
Ireland:—	
Public Buildings	26,000
Abroad:—	
Lighthouses Abroad	4,000
Embassy Houses, Paris and Madrid ..	200
Embassy Houses and Consular Buildings, Constantinople, China, Japan, and Tehran	10,000
Class II.	
England:—	
House of Lords, Offices	7,500
House of Commons, Offices	8,000
Treasury and Subordinate Departments	9,500

	£
Home Office and Subordinate Departments	15,500
Foreign Office	10,500
Colonial Office	5,300
Privy Council Office and Subordinate Departments	5,600
Board of Trade and Subordinate Departments	17,000
Privy Seal Office	500
Charity Commission	3,000
Civil Service Commission	3,500
Copyhold, Inclosure, and Tithe Commission	3,000
Inclosure and Drainage Acts Expenses	1,500
Exchequer and Audit Department	7,200
Registrars of Friendly Societies	400
General Register Office	9,300
Local Government Board	68,000
Lunacy Commission	2,500
Mint	8,500
National Debt Office	3,000
Patent Office	5,000
Paymaster General's Office	4,000
Public Record Office	3,800
Public Works Loan Commission	800
Stationery Office and Printing	73,000
Woods, Forests, &c., Office of	4,000
Works and Public Buildings, Office of	7,000
Secret Service	4,000

Scotland:—

Exchequer and Other Offices	1,000
Fishery Board	2,000
General Register Office	1,500
Lunacy Commission	1,000
Poor Law Commission	3,000

Ireland:—

Lord Lieutenant's Household	1,150
Chief Secretary's Office	5,000
Boundary Survey	50
Charitable Donations and Bequests Office	400
General Register Office	4,600
Poor Law Commission	18,000
Public Record Office	900
Public Works Office	4,500

Class III.

England:—

Law Charges	9,000
Criminal Prosecutions	32,000
Court of Chancery	28,500
Common Law Courts	10,000
Court of Bankruptcy	6,300
County Courts	73,000
Probate Court	15,000
Admiralty Court Registry	2,000
Land Registry Office	900
Police Courts, London and Sheerness	2,300
Metropolitan Police	38,500
County and Borough Police, Great Britain	20,000
Convict Establishments in England and the Colonies	75,000
County Prisons, Great Britain	18,000
Reformatories and Industrial Schools, Great Britain	37,000
Broadmoor Criminal Lunatic Asylum	5,000
Miscellaneous Legal Charges	3,000

Scotland:—

Criminal Proceedings	11,000
Courts of Law and Justice	10,000
Register House Departments	£5,000
Prisons	4,000

Ireland:—

Law Charges and Criminal Prosecutions	13,000
Court of Chancery	7,500
Common Law Courts	5,000
Court of Bankruptcy and Insolvency	1,400
Landed Estates Court	2,000
Probate Court	2,000
Admiralty Court Registry	300
Registry of Deeds	2,500
Registry of Judgments	500
Dublin Metropolitan Police	19,000
Constabulary	164,000
Government Prisons and Reformatories	6,500
County Prisons	13,000
Dundrum Criminal Lunatic Asylum	900
Four Courts Marshalsea Prison	400
Miscellaneous Legal Charges	9,500

Class IV.

Great Britain:—

Public Education	216,000
Science and Art Department	44,000
British Museum	17,000
National Gallery	1,000
National Portrait Gallery	500
Learned Societies	2,000
University of London	1,600
Endowed Schools Commission	1,500

Scotland:—

Public Education	26,000
Board of Education	1,000
Universities, &c. in Scotland	2,000
National Gallery, Scotland	350

Ireland:—

Public Education	90,000
Commissioners of Education (Endowed Schools)	100
National Gallery	400
Royal Irish Academy	350
Queen's University	650
Queen's Colleges	700

Class V.

Diplomatic Services	46,000
Consular Services	41,500
Colonies, Grants in Aid	8,000
Orange River Territory and St. Helena	600
Slave Trade, Commissions for Suppression of	50
Tonnage Bounties, &c.	2,200
Emigration	900
Treasury Chest	800

Class VI.

Superannuation and Retired Allowances	106,000
Merchant Seamen's Fund Pensions, &c.	6,700
Relief of Distressed British Seamen	5,500
Hospitals and Infirmaries, Ireland	3,100
Miscellaneous Charitable Allowances, &c. Great Britain	1,000
Miscellaneous Charitable Allowances, &c. Ireland	1,000

Class VII.

Temporary Commissions	3,000
Deep Sea Exploring Expedition	500
Miscellaneous Expenses	1,000
Total	£1,842,000

MR. FAWCETT moved that Progress be reported, on the ground that so many public Departments, and indirectly the Treasury, had been discredited by the financial scandal that had been brought to light, that he must object to a single shilling of public money being voted on account until the matter had been cleared up.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Fawcett.*)

The Committee *divided:* — Ayes 24; Noes 62: Majority 38.

Original Question again proposed.

Motion made, and Question put, "That the Chairman do now leave the Chair."—(*Mr. Monk.*)

The Committee *divided:* — Ayes 24; Noes 59: Majority 35.

Original Question put, and *agreed to.*

Resolutions to be reported upon *Monday* next;

Committee to sit again upon *Monday* next.

UNIVERSITY FELLOWSHIPS (COMPENSATION) BILL.

Motion made, and Question proposed, "That leave be given to bring in a Bill to limit the amount of compensation which shall be granted on the abolition of Fellowships in the Universities of Oxford and Cambridge."—(*Mr. Auberon Herbert.*)

Debate arising;

Motion made, and Question, "That the Debate be now adjourned,"—(*Mr. Dillwyn,*)—put, and *negatived.*

Original Motion, by leave, *withdrawn.*

INCOME TAX ASSESSMENT BILL.

On Motion of Mr. BAXTER, Bill to make provision for the Assessment of Income Tax, and as to Assessors in the Metropolis, *ordered* to be brought in by Mr. BAXTER and Mr. WILLIAM HENRY GLADSTONE.

Bill *presented,* and read the first time. [Bill 98.]

LAND DRAINAGE PROVISIONAL ORDER BILL.

On Motion of Mr. WINTERBOTHAM, Bill to confirm a Provisional Order under "The Land Drainage Act, 1861," relating to Deeping Fen, *ordered* to be brought in by Mr. WINTERBOTHAM and Mr. Secretary BRUCE.

Bill *presented,* and read the first time. [Bill 97.]

ENDOWED SCHOOLS ADDRESS BILL.

On Motion of Mr. WILLIAM EDWARD FORSTER, Bill to enlarge the time within which an Address by either House of Parliament against certain Schemes made under "The Endowed Schools Act, 1869," may be presented to Her Majesty, *ordered* to be brought in by Mr. WILLIAM EDWARD FORSTER and Mr. WINTERBOTHAM.

Bill *presented,* and read the first time. [Bill 94.]

ELEMENTARY EDUCATION PROVISIONAL ORDER CONFIRMATION (NO. 1) BILL.

On Motion of Mr. WILLIAM EDWARD FORSTER, Bill to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for London to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same, *ordered* to be brought in by Mr. WILLIAM EDWARD FORSTER and Mr. WINTERBOTHAM.

Bill *presented,* and read the first time. [Bill 95.]

ELEMENTARY EDUCATION PROVISIONAL ORDER CONFIRMATION (NO. 2) BILL.

On Motion of Mr. WILLIAM EDWARD FORSTER, Bill to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for the parish of Caterham to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same, *ordered* to be brought in by Mr. WILLIAM EDWARD FORSTER and Mr. WINTERBOTHAM.

Bill *presented,* and read the first time. [Bill 96.]

PUBLIC HEALTH BILL.

On Motion of Sir CHARLES ADDERLEY, Bill to amend the Law relating to Public Health, *ordered* to be brought in by Sir CHARLES ADDERLEY, Mr. FRANCIS SHARP POWELL, Mr. WHITBREAD, Lord ROBERT MONTAGU, Mr. STEPHEN CAVE, and Mr. RICHARDS.

Bill *presented,* and read the first time. [Bill 99.]

House adjourned at a quarter
before Two o'clock till
Monday next.

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TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CCXIV.

FIRST VOLUME OF SESSION 1873.

Explanation of the Abbreviations.

In Bills, Read 1°, 2°, 3°, or 1ª, 2ª, 3ª, Read the First, Second, or Third Time.—In Speeches 1R., 2R., 3R., Speech delivered on the First, Second, or Third Reading.—*Amendt.*, Amendment.—*Res.*, Resolution.—*Comm.*, Committee.—*Re-Comm.*, Re-Committal.—*Rep.*, Report.—*Consid.*, Consideration.—*Adj.*, Adjournment or Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*M. Q.*, Main Question.—*O. Q.*, Original Question.—*O. M.*, Original Motion.—*P. Q.*, Previous Question.—R. P., Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st. Div.*, 2*nd. Div.*, First or Second Division.—*l.*, Lords.—*c.*, Commons.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

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Poor Law — Children of Roman Catholic Parents, Address for a Return, 192
Regulation of Railways (Prevention of Accidents), 2R. 582, 594

Buckley, Mr. N., *Staleybridge*
University Education (Ireland), 2R. Amendt. 1695

Burials Bill (*Mr. Osborne Morgan, Lord Edmond Fitzmaurice, Mr. Hadfield, Mr. M'Arthur*)
c. Considered in Committee; Bill ordered; after short debate, read 1° *Feb* 7, 176 [Bill 9]

Bury, Viscount, *Berwick-on-Tweed*
Colonies, The, Motion for a Committee, 1107
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Cadogan, Hon. F. W., *Cricklade*
Inland Revenue—Income Tax Appeals, 540

Cairns, Lord
Parliament—Address in Answer to the Speech, 29, 37, 40
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Cambridge, Duke of (Field Marshal Commanding-in-Chief)
Army Regulation Act—Abolition of Purchase, 1606, 1608

Campbell, Lord
Treaties of Arbitration, Motion for an Address, 1159, 1178

Camperdown, Earl of (Lord of the Admiralty)
Navy—H.M.S. "Devastation," 829, 831

Canada, Dominion of — Boundary with United States—Robert's Point
Question, Sir John Hay; Answer, Viscount Enfield *Feb* 27, 1032

Candlish, Mr. J., *Sunderland*
Supply—Post Office, 2059

Canonries Bill (*Mr. Beresford Hope, Mr. William Henry Smith, Mr. J. G. Talbot*)
c. Ordered; read 1°* *Feb* 7 [Bill 18]

Capital Punishment Abolition Bill (*Mr. Charles Gilpin, Mr. Robert Fowler, Mr. Hadfield, Mr. M'Laren*)
c. Ordered; read 1°* *Feb* 11 [Bill 46]

Cardwell, Right Hon. E. (Secretary of State for War), *Oxford City*
Army—Questions, &c.
  Auxiliary Forces — Instruction to Officers of the, 1036
  Cavalry and Artillery Reserve, 543
  Claims of Indian Officers—Bonus Fund, 544
  Easter Volunteer Review, 1287
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  Gratuities, 1393
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  Military Centres—Oxford, 545
  Militia Permanent Staff Sergeants, 1186
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  Mutiny, 1033
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  9th Lancers—Case of the late Sub-Lieutenant Tribe, 496, 498, 499, 507
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- Army Estimates—Land Forces, 855, 881, 883, 884, 1058, 1060, 1061, 1062, 1063, 1065, 1070, 1080, 1082, 1094, 1124, 1126, 1143, 1151, 1152, 1154
  - Militia Pay and Allowances, 1156, 1157
  - Pay and Allowances, 1155
  - Soldiers' Pay and Rations, 1034, 1035
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- Army Regulation—Half-Pay Officers, 1614
- Galway Election Trials, Dublin, 281
- University Education (Ireland), 2R. Amendt. 1694, 1701, 1744

CARNARVON, Earl of
- Emigration to Brazil — Warwickshire Labourers, Address for a Paper, 532
- Regulation of Railways (Prevention of Accidents), 2R. 592
- Spain, Extradition Treaty with—"Northfleet" and "Murillo," 144
- Supreme Court of Judicature, 1R. 364

CAWLEY, Mr. C. E., *Salford*
- Parliament—Resignation of Ministers, Ministerial Statement, 1913

CECIL, Lord E. H. B. G., *Essex, W.*
- Army—New Pay Regulations, 1393
  - 9th Lancers—Case of the late Sub-Lieutenant Tribe, 502
- Army Estimates—Land Forces, 1057, 1060, 1061, 1062, 1063
- Colonies, Defence of the, Res. 1520, 1532

Census, 1871, *Returns*
- Question, Mr. F. S. Powell; Answer, Mr. Hibbert *Feb* 20, 728

Census of Land and House Owners
- Question, Mr. Wren-Hoskyns; Answer, Mr. Stansfeld *Feb* 25, 891

Central Asia
- *Boundaries of the Afghan States*, Questions, The Duke of Somerset; Answer, The Duke of Argyll *Feb* 17, 537; Questions, Mr. Rylands, Mr. Baillie Cochrane; Answers, Viscount Enfield *Feb* 20, 724; Question, Mr. Seymour; Answer, Mr. Grant Duff *Feb* 21, 786; Question, Sir James Elphinstone; Answer, Mr. Gladstone *Feb* 24, 837
- *Mr. Forsyth's Mission*, Question, Mr. Osborne; Answer, Mr. Grant Duff *Feb* 27, 1041
- *Russia and Persia—Valley of the Atrek*, Question, Sir Charles W. Dilke; Answer, Viscount Enfield *Feb* 14, 439; Question, Mr. Osborne; Answer, Viscount Enfield *Feb* 28, 1099
- *Russian Expedition to Khiva*, Question, Mr. Eastwick; Answer, Viscount Enfield *Mar* 21, 1962
- *The "Intermediate Zone,"* Question, Mr. Montague Guest; Answer, Viscount Enfield *Feb* 27, 1034

Central Asia—Boundaries of the Afghan States
- Address for, Copies of the Memorandum on the frontier of the Badakshan and Wakhan provinces of Afghanistan drawn at the India Office from maps and information furnished by Sir Henry Rawlinson, together with the Despatch on the subject from the Government of India; and, of the sketch Map, showing the northern boundary of the Afghan territories, assented to by Government of India, and adopted by the Foreign Office" (*Mr. Rylands*) *Feb* 20, 771; after short debate, Motion withdrawn

Ceylon—The Breakwater at Colombo
- Questions, Sir James Elphinstone; Answers, Mr. Knatchbull-Hugessen *Feb* 20, 733

CHAMBERS, Sir T., *Marylebone*
- Marriage with a Deceased Wife's Sister, 2R. 299, 328
- Monastic and Conventual Institutions, Leave, 530

CHAMBERS, Mr. M., *Devonport*
- Army Estimates—Land Forces, 882, 1070
- Foreign Powers, Treaties with, Res. 1318
- Juries, 2R. 557
- Marriage with a Deceased Wife's Sister, Comm. *cl.* 1, 576

CHANCELLOR, The LORD (Lord SELBORNE)
- Bastardy Laws Amendment, Comm. 1382
- Marriage with a Deceased Wife's Sister, 2R. 1898
- Parliament—Queen's Speech, The, 2;—Address in Answer to, 40
- Supreme Court of Judicature, 1R. 331, 363, 365; 2R. 1716, 1721, 1731
- Treaties of Arbitration, Motion for an Address, 1172, 1177

CHANCELLOR of the EXCHEQUER (Right Hon. R. LOWE), *London University*
- Army Estimates—Land Forces, 1058
- County Court Judges—Minute of June, 1872, Res. 1290, 1302
- Inland Revenue—Income Tax Appeals, 540
- Ireland—River Shannon, The, 368; Res. 1588
- Parliament—Address in Answer to the Speech, 79, 128
  - Business of the House, 199
- Parliament—Business of the House (Committee of Supply), Res. 244, 268
- Supply—Post Office, 2058
- University Education (Ireland), 2R. Amendt. 1479, 1767

Charing Cross and Victoria Embankment Approach Bill
- *c.* Moved, "That Standing Orders Nos. 7 and 203 be suspended in the case of the Charing Cross and Victoria Embankment Approach Bill, and that the Bill be referred to a Select Committee of Nine Members, Five to be nominated by the House, and Four by the Committee of Selection, and that they be empowered to consider generally and report upon the Charing Cross and Victoria Embankment Approaches" (*Lord Elcho*) *Feb* 27, 1024; after debate, Question put; A. 72, N. 187; M. 115

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CHARLEY, Mr. W. T., *Salford*
Bastardy Laws Amendment, 2R. 429
Infant Life—Rope Spinners, 542
Parliament—Business of the House (Opposed Business), Res. Amendt. 1363

CHELMSFORD, Lord
Intestate Widows and Children, 2R. 1380, 1381
Supreme Court of Judicature, 2R. 1719, 1721

Chelsea Water Bill [H.L.]
l. Moved, "That the Bill be now read 2ª" *Feb* 27, 1012
Amendt. to leave out ("now,") and insert ("this day six months") (*The Marquess of Salisbury*); after short debate, on Question, That ("now") &c.; Cont. 29, Not-Cont. 70; M. 41; resolved in the negative; and Bill to be read 2ª this day six months
Division List, Cont. and Not-Cont., 1023

CHILDERS, Right Hon. Hugh C. E. (Chancellor of the Duchy of Lancaster), *Pontefract*
Public Expenditure, Res. Amendt. 665

Children's Protection Bill
(*Mr. Mundella, Mr. Andrew Johnston, Mr. John Gilbert Talbot, Mr. Raikes*)
c. Ordered; read 1° * *Mar* 4 [Bill 89]

China
The Coolie Kwok-a-Sing, Question, Sir James Lawrence; Answer, Mr. Knatchbull-Hugessen *Feb* 20, 727
Treaty of Tien-Tsin, Question, Mr. Akroyd; Answer, Viscount Enfield *Mar* 10, 1610

CLANRICARDE, Marquess of
Intestates Widows and Children, 2R. 1381
Juries Act (Ireland), 1871, 1389

CLARENDON, Earl of
Parliament—Address in Answer to the Speech, 7

CLAY, Mr. J., *Kingston-on-Hull*
Commercial Marine, Motion for an Address, Amendt. 1334, 1361

CLEVELAND, Duke of
Palace of Westminster—House of Commons—Peers Gallery, 1923

Coal
Coal Fields of China, Question, Mr. Akroyd; Answer, Viscount Enfield *Feb* 17, 541
Coal Mines—Inundations of Workings, Question, Mr. Newdegate; Answer, Mr. Bruce *Feb* 27, 1031
Coal Supply, Question, Mr. Corrance; Answer, Mr. Gladstone *Feb* 7, 153
Coals, Price of—Metropolitan Railways, Question, Mr. Eykyn; Answer, Mr. A. Peel *Feb* 17, 547
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Coal—cont.
Colliery Managers, Question, Mr. Finnie; Answer, Mr. Bruce *Feb* 13, 377
Duties or Restrictions on Export, Question, Mr. W. H. Smith; Answer, Mr. Gladstone *Feb* 13, 370

Coal, Scarcity of
Amendt. on Committee of Supply *Feb* 21, To leave out from "That," and add "a Select Committee be appointed to inquire into the causes of the present dearness and scarcity of Coal, and report thereon to the House" (*Mr. Mundella*) *v.*, 815; after short debate, Question, "That the words, &c.," put, and negatived; words added; main Question, as amended, put, and agreed to; Select Committee appointed; List of the Committee, 829
Question, Mr. Stapleton; Answer, Mr. Gladstone *Feb* 27, 1031

COCHRANE, Mr. A. D. W. R. Baillie, *Isle of Wight*
Central Asia—Boundary Question, 726
Charing Cross and Victoria Embankment Approach, Motion for a Committee, 1026
Egypt—Judicial Reforms—Suez Canal, The, 369
Parliament—Address in Answer to the Speech; Report, 155

COGAN, Right Hon. W. H. F., *Kildare Co.*
University Education (Ireland), 1617

COLEBROOKE, Sir T. E., *Lanarkshire, S.*
Poor Law (Scotland), 2R. Amendt. 984

COLERIDGE, Sir J. D., (*see* ATTORNEY GENERAL, The)

COLLINS, Mr. T., *Boston*
Marriage with a Deceased Wife's Sister, Comm. 575; 3R. Amendt. 753
Municipal Officers Superannuation, 2R. 1373
Parliament—Resignation of Ministers, Ministerial Statement, 1911
Register for Parliamentary and Municipal Electors, 2R. 1953
University Education (Ireland), 2R. 1513, 1617

COLMAN, Mr. J. J., *Norwich*
Municipal Officers Superannuation, 2R. 1371

Colonies
Amendt. on Committee of Supply *Feb* 28, To leave out from "That," and add "a Select Committee be appointed to consider the relations that subsist between the United Kingdom and the Colonies, particularly as they affect the direction which emigration takes and the occupation of waste lands within the Empire" (*Mr. Macfie*) *v.*, 1102; after debate, Question, "That the words, &c.," put, and agreed to

Colonies, Defence of the
Amendt. on Committee of Supply *Mar* 7, To leave out from "That," and add "this House is of opinion that the time has now come when, having regard to the best interests of the Empire, the taxpayers of the United Kingdom should be relieved from the unequal burden of taxation which they have hitherto borne for Imperial purposes; and that with this view each Colony should be invited to contribute, in proportion to its population and wealth, such annual contingents of men or such sums of money towards the defence of the Empire as may, by arrangement between the Home and Colonial Governments, be hereafter deemed just and necessary" (*Lord Eustace Cecil*) *v.*, 1520; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn

COLTHURST, Sir G., *Kinsale*
Union Rating (Ireland), 2R. Amendt. 754

CONOLLY, Mr. T., *Donegal Co.*
University Education (Ireland), 2R. Amendt. 1656

Consular Service, The
Question, Mr. Eastwick; Answer, Viscount Enfield *Feb* 28, 1100

Contagious Diseases Acts Repeal (1866—1869) Bill (*Mr. William Fowler, Mr. Jacob Bright, Mr. Mundella*)
c. Ordered; read 1° * *Feb* 7 [Bill 29]

Contagious Diseases (Animals) Act
Moved, "That a Select Committee be appointed to inquire into the operations of the Contagious Diseases (Animals) Act, 1869, and the Cattle Disease Acts (Ireland), and the constitution of the Veterinary Departments of Great Britain and Ireland" (*Mr. Clare Read*) *Feb* 14, 508; after debate, Motion agreed to; Select Committee appointed; List of the Committee, 526

CORBETT, Colonel E., *Shropshire, S.*
Army—Length of Service (India), Res. 854
Army Estimates—Land Forces, 1058

CORRANCE, Mr. F. S., *Suffolk, E.*
Coal Supply, 153
Merchant Shipping Code, 1397
Parliament—Address in Answer to the Speech, Report, 165
San Juan Award—Rights of British Subjects, 597

CORRIGAN, Sir D. J., *Dublin City*
*University Education (Ireland), 2R. 1659, 1751

County Court Judges—Minute of June 1872
Moved, "That the application of the Treasury Minute dated the 22nd day of June 1872, to County Court Judges appointed prior to the [cont.

County Court Judges—Minute of June, 1872—cont.
17th day of September 1870, will be unjust and inequitable; and that no Judge appointed before such date should be subjected to the operation of any Minute which will prejudicially affect the position upon the faith of which he accepted his appointment" (*Mr. James*) *Mar* 4, 1289; after debate, Motion agreed to

COURTOWN, Earl of
Game, &c., Motion for a Return, 1282

Courts of Justice, The New
Question, Mr. Gregory; Answer, Mr. Ayrton *Feb* 10, 196

Cove Chapel, Tiverton, Marriages Legalization Bill [H.L.]
(*The Lord Bishop of Exeter*)
l. Presented; read 1ª * *Feb* 11 (No. 11)
Read 2ª * *Feb* 14
Committee *; Report *Feb* 23
Read 3ª * *Feb* 27
c. Read 1° * (*Mr. Winterbotham*) *Feb* 28
Read 2° * *Mar* 3 [Bill 86]
Committee *; Report *Mar* 4
Read 3° * *Mar* 6
l. Royal Assent *Mar* 13 [36 *Vict.* c. 1]

COWPER, Earl
Railways, &c. (Transfer and Amalgamation), Commons Message, 890
Regulation of Railways (Prevention of Accidents), 2R. Amendt. 586

CRAUFURD, Mr. E. H. J., *Ayr, &c.*
Poor Law (Scotland), 2R. 972, 999, 1011

CRAWFORD, Mr. R. W., *London*
Charing Cross and Victoria Embankment Approach, Motion for a Committee, 1029
Commercial Marine, Motion for an Address, 1351
India—Railway Gauge, Res. 1550
Parliament—Resignation of Ministers, Ministerial Statement, 1909, 1918
Parliament—Business of the House (Tuesday Sittings), Res. 285
Union of Benefices, 282, 283; 2R. 507
University Education (Ireland), 1616

CRICHTON, Viscount, *Enniskillen*
Juries (Ireland) Act, Select Committee, 1960

Criminal Law
Capital Offences, Question, Sir George Jenkinson; Answer, Mr. Bruce *Feb* 13, 371
Chatham Convict Prison, Question, Mr. R. N. Fowler; Answer, Mr. Bruce *Feb* 14, 438
Newbury Magistrates, Question, Earl De La Warr; Answer, The Earl of Morley *Mar* 7, 1514
New South Wales—Commutation of Sentences, Question, Admiral Erskine; Answer, Mr. Knatchbull-Hugessen *Feb* 10, 197
Treatment of Untried Prisoners, Question, Mr. Brady; Answer, Mr. Bruce *Feb* 7, 152

Croft, Sir H. G. D., *Herefordshire*
Railway and Canal Traffic, 2R. 1046, 1396

Cross, Mr. R. Assheton, *Lancashire, S.W.*
County Court Judges, Minute of June, 1872, Res. 1300, 1303
Municipal Officers Superannuation, 2R. 1369
Railway and Canal Traffic, Leave, 242
University Education (Ireland), 599

Custody of Infants Bill
(*Mr. William Fowler, Colonel Loyd Lindsay, Mr. Lopes, Mr. Mundella*)
c. Ordered ; read 1°* *Feb* 17 [Bill 67]
Bill read 2°, after short debate *Feb* 24, 884
Committee *—R.P. *Feb* 28
Committee * ; Report *Mar* 4
Considered *Mar* 6, 1513
Read 3°* *Mar* 7
l. Read 1ª* (*The Lord Chelmsford*) *Mar* 10 (No. 38)

Dalrymple, Mr. C., *Buteshire*
Factory Act, Enforcement of the, 437
United States—British Vessels in American Waters, 1615

Dalrymple, Mr. D., *Bath*
Colonies, The, Motion for a Committee, 1105

Debt, Imprisonment for
Select Committee appointed, "to inquire into the subject of Imprisonment for Debt by County Court Judges" (*Mr. Bass*) *Feb* 7 ; List of the Committee, 180

Defamation Bill
(*Mr. Raikes, Mr. Cross, Mr. Whitbread*)
c. Ordered ; read 1°* *Feb* 18 [Bill 70]

Delahunty, Mr. J., *Waterford City*
Railway and Canal Traffic, 2R. 1055
Union Rating (Ireland), 2R. 769

De la Warr, Earl
Army Regulation Act—Abolition of Purchase, 1596
Criminal Law—Newbury Magistrates, 1514

Denison, Mr. C. Beckett-, *Yorkshire, W.R., E. Div.*
Contagious Diseases (Animals) Act, Motion for a Committee, 514
India—Railway Gauge, Res. 1560

Denman, Lord
Supreme Court of Judicature, 2R. Amendt. 1714

Dent, Mr. J. D., *Scarborough*
Agricultural Returns, 1962

Departmental Expenditure—Purchase and Sale of Stores
Amendt. on Committee of Supply *Feb* 21, To leave out from "That," and add "a Select Committee be appointed to inquire into and report upon the existing principles and practice which in the several Public Departments and Bodies regulate the purchase and sale of materials and stores" (*Mr. Holms*) *v.*, 803 ; Question proposed, "That the words, &c. ;" after debate, Amendt. withdrawn

Derby, Earl of
Parliament—Address in Answer to the Speech, 16

Dickinson, Mr. S. S., *Stroud*
India—Railway Gauge, Res. 1554
Married Women's Property Act (1870) Amendment, 2R. 684
Municipal Officers Superannuation, 2R. 1369

Dilke, Sir C. W., *Chelsea, &c.*
Russian Settlements on the River Atrek, 439

Dillwyn, Mr. L. L., *Swansea*
Parliament—Resignation of Ministers, Ministerial Statement, Amendt. 1913
Parliament—Business of the House—Opposed Business, Res. 1364
Railways—Case of James Harris, 723
Salmon Fisheries, 2R. 1373

Disraeli, Right Hon. B., *Buckinghamshire*
International Law—New Rules, Motion for an Address, 2042, 2043
Parliament—Address in Answer to the Speech, 69, 79
 Resignation of Ministers, Ministerial Statement, 1917 ; *Explanation, 1929
University Education (Ireland), Leave, 427 ; 2R. Amendt. 1807

Dixon, Mr. G., *Birmingham*
Agricultural Children, 2R. 698, 701
Elementary Education Act (1870), 1288
University Tests (Dublin), 1946

Dodds, Mr. J., *Stockton*
Salmon Fisheries, 2R. 1376

Dodson, Mr. J. G., *Sussex, E.*
Army Estimates—Land Forces, 1057
Parliament—Business of the House (Committee of Supply), 251
Railway and Canal Traffic, Leave, 243 ; 2R. 1052
University Education (Ireland), 1396 ; 2R. Amendt. 1712, 1785

Downing, Mr. M'Carthy, *Cork Co.*
Contagious Diseases (Animals) Act, Motion for a Committee, 525
Ireland—Affairs in, 729
Monastic and Conventual Institutions, Leave, 529
Union Rating (Ireland), 2R. 759, 761

Drainage and Improvement of Lands (Ireland) Provisional Orders Bill
(*Mr. William Henry Gladstone, Mr. Baxter*)
c. Ordered; read 1° * *Feb* 14 [Bill 63]
Read 2° * *Feb* 20
Committee *; Report *Feb* 21
Read 3° * *Feb* 24
l. Read 1ª * (*The Marquess of Lansdowne*) *Feb* 25
Read 2ª * *Mar* 6 (No. 25)
Committee *; Report *Mar* 7
Read 3ª * *Mar* 10
Royal Assent *Mar* 29 [36 *Vict.* c. ii]

Drainage and Improvement of Lands (Ireland) Provisional Orders (No. 2) Bill (*Mr. William Henry Gladstone, Mr. Baxter*)
c. Ordered; read 1° * *Feb* 25 [Bill 82]
Read 2° * *Feb* 28
Committee *; Report *Mar* 10
Read 3° * *Mar* 21

DUDLEY, Earl of
Marriage with a Deceased Wife's Sister, 2R. 1898

DUFF, Mr. M. E. Grant (Under Secretary of State for India), *Elgin, &c.*
Central Asia—Boundaries of the Afghan States, 786;—Mr. Forsyth's Mission, 1041
India—Peshawur Railway, The, 372
India—Railway Gauge, Res. 1540

DUFF, Mr. R. W., *Banffshire*
Navy—Admiralty Administration, Res. 953

EASTWICK, Mr. E. B., *Penryn, &c.*
Board of Trade—Fog Signals, 152
Central Asia—Russian Expedition to Khiva, 1962
Central Asia—Boundary Line, Motion for an Address, 772
Consular Service, 1100
Municipal Officers Superannuation, 2R. 1373
South Africa, 798

EDUCATION
Education of Blind and Deaf Mute Children, Question, Mr. Wheelhouse; Answer, Mr. W. E. Forster *Feb* 11, 281
Elementary Education Act, 1870, Question, Mr. W. H. Smith; Answer, Mr. Gladstone *Feb* 13, 369; Questions, Mr. Kay-Shuttleworth, Mr. Dixon; Answers, Mr. Gladstone *Mar* 4, 1287

Education of Blind and Deaf Mute Children Bill (*Mr. Wheelhouse, Mr. Mellor*)
c. Ordered; read 1° * *Feb* 12 [Bill 53]

EGERTON, Hon. A. F., *Lancashire, S.E.*
Army Estimates—Yeomanry Cavalry, 1157

Egypt—Judicial Reforms—The Suez Canal
Question, Mr. Baillie Cochrane; Answer, Viscount Enfield *Feb* 13, 369

ELCHO, Lord, *Haddingtonshire*
Army—Moncreiff Gun Carriages, 894
9th Lancers, Case of the late Sub-Lieutenant Tribe, 490, 497, 498, 499, 500
Army Estimates — Army Purchase Commissioners, Motion for reporting Progress, 1591
Land Forces, 882, 1057, 1058
Charing Cross and Victoria Embankment Approach, Motion for a Committee, 1024, 1025
Landlord and Tenant, 1740
Parks Regulation Act—New Rules, 204
Parliament — Business of the House, 199;—Committee of Supply, Res. 260

Elementary Education Provisional Order Confirmation (No. 1) Bill
(*Mr. William Edward Forster, Mr. Winterbotham*)
c. Ordered; read 1° * *Mar* 21 [Bill 95]

Elementary Education Provisional Order Confirmation (No. 2) Bill
(*Mr. William Edward Forster, Mr. Winterbotham*)
c. Ordered; read 1° * *Mar* 21 [Bill 96]

ELLICE, Mr. E., *St. Andrews, &c.*
Parliament—Rules and Practice, 194

ELPHINSTONE, Sir J. D. H., *Portsmouth*
Central Asia—Boundary of the Afghan States, 837
Ceylon—Breakwater at Colombo, 733
Commercial Marine, Motion for an Address, 1360
Navy—Straits of Magellan, 1098
Navy—Admiralty Administration, Res. 950

Emigration to Brazil — Warwickshire Labourers
Address for, Copy of letter addressed by the Vicar of Napton to the Secretary of State for Foreign Affairs, describing the condition of certain Warwickshire Labourers who were emigrated to Cananea in Brazil (*The Earl of Carnarvon*) *Feb* 17, 532; after short debate, Motion withdrawn

Endowed Schools Act (1869)
Question, Sir Michael Hicks-Beach; Answer, Mr. W. E. Forster *Feb* 7, 154
After short debate, Select Committee appointed, "to inquire into the operation of 'The Endowed Schools Act, 1869'" (*Mr. W. E. Forster*) *Feb* 11, 289; List of the Committee, 297

Endowed Schools Commission
Questions, Observations, The Marquess of Salisbury, Lord Redesdale; Reply, The Marquess of Ripon *Feb* 13, 366

Grey Coat Hospital, Westminster
Address to Her Majesty, praying that She will be graciously pleased to suspend the approbation of the Scheme of the Endowed School Commissioners for the management of Grey Coat Hospital in the city of Westminster, until the Schemes now under consideration

[*cont.*

Endowed Schools Commission—Grey Coat Hospital, Westminster—cont.
for the management of the other Hospitals in Westminster are presented for Her Majesty's approval" (*Mr. W. H. Smith*) *Feb* 7, 178; after short debate, Question put; A. 22, N. 64; M. 42

Endowed Schools Address Bill
(*Mr. William Edward Forster, Mr. Winterbotham*)
c. Ordered; read 1° * *Mar* 21 [Bill 94]

Enfield, Viscount (Under Secretary of State for Foreign Affairs), *Middlesex*
Canadian Boundary—Robert's Point, 1033
Central Asia—Boundary Question, 724, 725, 726; Motion for an Address, 771, 1034; Russian Expedition to Khiva, 1962
China, Coal Fields of, 541
Treaty of Tien-Tsin, 1610
Consular Service, 1100
Diplomatic Relations with the Vatican, Motion for Papers, 445
Egypt—Judicial Reforms—Suez Canal, The, 369
Fiji Islands—British Protectorate, 597, 899
Foreign Powers, Treaties with, Res. 1314
France—Commercial Treaty, 1392
Selby, Mr., Disappearance of, 1615
"Northfleet" Collision—The "Murillo," 601, 729
Portugal, Extradition Treaty with, 1095
Railways—Heberlein Break, 1962
Russia and Persia—Valley of the Atrek, 440, 1099
Spain—King Amadeus, 731, 1185
Treaties with Foreign Powers, Res. 489
United States—Offences on the High Seas, 1032
Vienna—International Exhibition, 1873—Embassy Chapel, 199

Epping Forest Bill
(*Mr. Ayrton, Mr. Baxter*)
c. Ordered; read 1° * *Feb* 10 [Bill 39]
Read 2° *Feb* 17, 565
Committee *; Report *Feb* 18
Read 3° * *Feb* 19
l. Read 1ª * (*Duke of St. Albans*) *Feb* 20 (No. 19)
Bill read 2ª, after short debate *Mar* 3, 1178
Committee discharged * *Mar* 4
Report * *Mar* 6

Erskine, Admiral J. E., *Stirlingshire*
Criminal Law—New South Wales—Commutation of Sentences, 197
South Sea Islands—Outrages on Natives, 893

Esmonde, Sir J., *Waterford Co.*
University Education (Ireland), 2R. Amendt. 1688

Ewing, Mr. A. Orr, *Dumbarton*
Poor Law (Scotland), 2R. 996, 997

Exchequer, Chancellor of the, *see* Chancellor of the Exchequer

Eykyn, Mr. R., *Windsor*
Army Estimates—Land Forces, 882
Coal—Scarcity of, Motion for a Committee, 824
Coals, Price of—Railways, 547
Railway Companies and the Coal Trade, 1286
Tramway Bills, 1097

Factory Acts Amendment Bill
(*Mr. Mundella, Mr. Morley, Mr. Shaw, Mr. Philips, Mr. Cobbett, Mr. Anderson*)
c. Motion for Leave (*Mr. Mundella*) *Feb* 11, 283; Bill ordered; read 1° * [Bill 47]

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Moved, "That a Select Committee be appointed to inquire into the condition of this country with regard to horses, and its capabilities of supplying any present or future demand for them" (*Lord Rosebery*) *Feb* 21 ; Motion agreed to ; List of the Committee, 782

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(*Mr. Trevelyan, Sir John Trelawny, Sir Robert Anstruther, Mr. Osborne Morgan, Mr. Andrew Johnston*)
c. Ordered; read 1°* *Feb* 7 [Bill 3]

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(*Mr. Trevelyan, Sir Robert Anstruther, Sir David Wedderburn*)
c. Ordered; read 1°* *Feb* 11 [Bill 50]

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(*Sir David Wedderburn, Mr. Carter, Mr. Fordyce, Mr. Craufurd*)
c. Ordered; read 1°* *Feb* 7 [Bill 21]

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c. Ordered; read 1°* *Mar* 21 [Bill 98]

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Industrial and Provident Societies Bill
(*Mr. Thomas Hughes, Mr. Morrison*)
c. Ordered; read 1°* *Feb* 11 [Bill 51]
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(*Mr. Charley, Mr. Gilpin, Mr. Charles Lewis*)
c. Ordered; read 1°* *Feb* 10 [Bill 42]

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(*Mr. Wheelhouse, Mr. Locke*)
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Question, Mr. R. N. Fowler; Answer, Viscount Enfield *Feb* 10, 199

International Law—The New Rules
Amendt. on Committee of Supply *Mar* 21, to leave out from "That," and add "an humble Address be presented to Her Majesty, praying Her Majesty that, having regard to the oppressive and impracticable character of the obligations, hitherto unknown to International Law, which would be imposed upon neutral nations through the interpretation placed by the Tribunal of Geneva upon the three Rules in the 6th Article of the Treaty of Washington, and upon the principles of International Law with respect to the duties of neutrals in connection with the subject-matter of the said Rules, Her Majesty will be graciously pleased, in bringing these Rules to the knowledge of other maritime Powers and inviting them to accede to the same, to declare to them, and also to the Government of the United States, Her Majesty's dissent from the principles set forth by the Tribunal as the basis of their Award, principles which, by unduly enlarging the rights of belligerent Powers against neutrals, would discourage in the future the observance of neutrality by States desirous of peace" (*Mr. Gathorne Hardy*), *v.* 1963; Question proposed, "That the words, &c.;" after long debate, Amendt. withdrawn
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[H.L.] (*The Lord Chelmsford*)
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Ireland—The Shannon Navigation
Question, The O'Conor Don; Answer, The Chancellor of the Exchequer *Feb* 13, 368
Amendt. on Committee of Supply *Mar* 7, to leave out from "That," and add "the evils brought upon a large portion of Ireland by the periodical floods of the Shannon and her tributaries are attributable to the state of the navigation works, and to the neglect of the recommendations of the Commissioners appointed under the Act 5 and 6 Will. 4, c. 67; and that the navigation works, which are the property of the Government, and under their exclusive control, are far behind the present state of engineering science, and admit of great improvement at a comparatively moderate cost; and that it is reasonable and right that, whilst amply maintaining the means of public navigation, measures should be forthwith adopted to relieve a district of many hundreds of miles of the vast and unnecessary suffering inflicted upon it by the useless impounding of the waters of the River Shannon" (*Mr. Mitchell Henry*) v., 1569; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn

James, Mr. H., *Taunton*
County Court Judges—Minute of June, 1872, Res. 1289, 1290, 1292, 1298, 1299
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Jenkinson, Sir G. S., *Wiltshire, N.*
Army Regulation Bill — Half-Pay Officers, 1614
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India—Euphrates Valley Railway, 368
Malt Tax, 1946
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Jessel, Sir G., *see* Solicitor General, The

Johnston, Mr. W., *Belfast*
Army—Mutiny, 1033
Colonies, The, Motion for a Committee, 1109
Ireland—Inquest at Holywood, 727, 896
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Juries Bill
(*Mr. Attorney General, Mr. Solicitor General*)
c. Ordered; read 1°* *Feb* 10 [Bill 35]
Moved, "That the Bill be now read 2°" *Feb* 17, 547
Moved, "That the Debate be now adjourned" (*Mr. Staveley Hill*); after short debate, Motion withdrawn; original Question put; Bill read 2°
Committee *—R.P. *Mar* 20

Kavanagh, Mr. A. M., *Carlow Co.*
Union Rating (Ireland), 2R. 755

Kay-Shuttleworth, Mr. U. J., *Hastings*
Elementary Education Act, 1870, 1287

Kimberley, Earl of (Secretary of State for the Colonies)
Africa, West Coast of—King of the Ashantees, 1516, 1518
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South Sea Islands—Outrages on the Natives, Address for Papers, 187, 192
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Kinnaird, Hon. A. F., *Perth*
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Knatchbull-Hugessen, Mr. E. H. (Under Secretary of State for the Colonies), *Sandwich*
Ceylon—Breakwater at Colombo, 733
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Army—Length of Service (India), Res. 853
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Pay and Allowances, 1155
Ireland—Galway Election Prosecutions, 1040
University Education (Ireland), Select Committee, 1396

Labourers' Cottages Bill
(*Mr. Whitwell, Mr. Wren-Hoskyns*)
c. Ordered; read 1°* *Feb* 13 [Bill 58]

Labourers' Cottages (Scotland) Bill
(*Mr. Fordyce, Mr. M'Combie, Mr. Barclay, Sir George Balfour, Mr. Parker*)
c. Ordered; read 1°* *Feb* 26 [Bill 83]

Laing, Mr. S., *Orkney, &c.*
India—Peshawur Railway, The, 372
India—Railway Gauge, Res. 1535, 1569
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Laird, Mr. J., *Birkenhead*
Parliament—Address in Answer to the Speech, 98

Land Drainage Provisional Order Bill
(*Mr. Winterbotham, Mr. Secretary Bruce*)
c. Ordered; read 1°* *Mar* 21 [Bill 97]

Landlord and Tenant Bill
(*Mr. James Howard, Mr. Clare Read*)
c. Ordered* *Feb* 11
Read 1°* *Feb* 13 [Bill 56]
Question, Lord Elcho; Answer, Mr. J. Howard *Mar* 11, 1740

Landlord and Tenant (Ireland) Act, 1870, Amendment Bill [H.L.]
(*The Earl of Leitrim*)
l. Presented; read 1a* *Feb* 14 (No. 15)

Land Settlement Bill
(*Mr. Wren-Hoskyns, Mr. M'Lagan*)
c. Ordered; read 1°* *Feb* 25 [Bill 80]

Lansdowne, Marquess of (Under Secretary of State for the War Department)
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San Juan Award—Boundary Line, 276
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Law and Justice
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LAWRENCE, Alderman Sir J. C., *Lambeth*
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LAWRENCE, Mr. Alderman W., *London*
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LEA, Mr. T., *Kidderminster*
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LEFEVRE, Mr. J. G. Shaw (Secretary to the Board of Admiralty), *Reading*
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LEITRIM, Earl of
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Question, Mr. J. Howard; Answer, The Attorney General *Mar* 3, 1182

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Question, Mr. Straight; Answer, Mr. Bruce *Feb* 17, 543

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LIMERICK, Earl of
Juries Act (Ireland), 1871, 1382, 1385

Local Courts of Record
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Local Government Districts (Consolidated Rate) Bill (*Mr. Andrew Johnston, Mr. Francis Powell, Colonel Brise*)
c. Ordered; read 1° * *Feb* 26 [Bill 84]
Read 2° * *Mar* 7

Local Government Supplemental Bill
Afterwards—
Local Government Provisional Orders Bill
(*Mr. Hibbert, Mr. Stansfeld*)
c. Ordered; read 1° * *Feb* 7 [Bill 2]
Read 2° * *Feb* 10
Committee *; Report *Feb* 20
Considered * *Feb* 21
Read 3° * *Feb* 24
l. Read 1ª * (*The Earl of Morley*) *Feb* 25 (No. 26)
Read 2ª * *Mar* 7
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Read 3ª * *Mar* 13
Royal Assent *Mar* 24 [36 *Vict.* c. i]

Local Legislation (Ireland) Bill
(*Mr. M'Mahon, Mr. Montagu Chambers, Colonel French, Mr. Bagwell*)
c. Ordered; read 1° * *Feb* 19 [Bill 72]

Local Taxation (Accounts) Bill
(*Mr. Pell, Sir Massey Lopes, Mr. Clare Read, Mr. Rowland Winn, Viscount Mahon*)
c. Ordered; read 1° * *Feb* 7 [Bill 16]
Read 2° * *Mar* 7
Committee *—R.P. *Mar* 21

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Question, Sir Massey Lopes; Answer, Mr. Bruce *Feb* 20, 723

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(*Mr. Cawley, Mr. Wykeham Martin, Mr. Frederick Stanley, Mr. Hick, Mr. Pender*)
c. Ordered ; read 1° * *Mar* 4 [Bill 88]

Longford, Earl of
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Lopes, Mr. H. C., *Launceston*
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Lowther, Mr. J., *York City*
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*University Education (Ireland), 2R. Amendt. 1777

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University Education (Ireland), 1739, 1740

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Ireland—Shannon, Overflowing of the, Res. 1573
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McMahon, Mr. P., *New Ross*
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Malmesbury, Earl of
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Malt Tax
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Manners, Right Hon. Lord J. J. R., *Leicestershire, N.*
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University Education (Ireland), 2R. Amendt. 1687

Marriage with a Deceased Wife's Sister Bill
(*Sir Thomas Chambers, Mr. Morley, Mr. Leith*)
c. Ordered ; read 1° * *Feb* 7 [Bill 15]
Moved, "That the Bill be now read 2°" *Feb* 12, 299
Amendt. to leave out "now," and add "upon this day six months" (*Mr. Beresford Hope*) ; after debate, Question put, "That 'now,' &c. ;" A. 126, N. 87 ; M. 39
Main Question put, and agreed to ; Bill read 2°
Committee ; Report, after short debate *Feb* 17, 575
Moved, "That the Bill be now read 3°" *Feb* 20, 753
Amendt. to leave out "now," and add "upon this day six months" (*Mr. Collins*) ; Question put, "That 'now,' &c. ;" A. 98, N. 54 ; M. 44
Main Question put, and agreed to ; Bill read 3°
l. Read 1ª * (*Lord Houghton*) *Feb* 21 (No. 21)
Moved, "That the Bill be now read 2ª" *Mar* 13, 1870
Amendt. to leave out ("now,") and insert ("this day six months") (*The Earl Beauchamp*) ; after long debate, on Question, That ("now,") &c. ? Cont. 49, Not-Cont. 74 ; M. 25
Resolved in the negative ; Bill to be read 2ª this day six months
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Marriages (Ireland) Bill (*Mr. Pim, Mr. Heygate, Sir Rowland Blennerhassett*)
c. Ordered ; read 1° * *Feb* 17 [Bill 68]
Read 2° * *Mar* 3
Committee * ; Report *Mar* 5
Read 3° * *Mar* 10
l. Read 1ª * (*Lord Brodrick*) *Mar* 11 (No. 40)

Married Women's Property Act (1870) Amendment Bill
(*Mr. Hinde Palmer, Mr. Amphlett, Mr. Osborne Morgan, Mr. Jacob Bright*)
c. Ordered ; read 1° * *Feb* 7 [Bill 7]
Moved, "That the Bill be now read 2°" *Feb* 19, 667
Amendt. to leave out "now," and add "upon this day six months" (*Mr. Gregory*) ; after debate, Question put, "That 'now,' &c. ;" A. 124, N. 103 ; M. 21
Main Question put, and agreed to ; Bill read 2°

Married Women's Property Act (1870) Amendment (No. 2) Bill
(*Mr. Staveley Hill, Mr. Raikes, Mr. Goldney*)
c. Ordered; read 1° * *Feb* 7 [Bill 24]
Bill read 2°, after short debate *Feb* 12, 328
Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" *Mar* 4, 1364
Amendt. to leave out from "That," and add "this House will, upon this day six months, resolve itself into the said Committee" (*Mr. Hinde Palmer*); Question proposed, "That the words, &c.;" Moved, "That the Debate be now adjourned" (*Colonel Barttelot*); Motion agreed to; Debate adjourned

Martin, Mr. P. Wykeham, *Rochester*
Municipal Officers Superannuation, 2R. 1368

Matthews, Mr. H., *Dungarvan*
Monastic and Conventual Institutions, Leave, 528

Mellor, Mr. T. W., *Ashton-under-Lyne*
Municipal Officers Superannuation, 2R. 1367

Melly, Mr. G., *Stoke-upon-Trent*
Endowed Schools Act (1869), Motion for a Committee, 292
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Mercantile Marine
Board of Trade—Fog Signals, Question, Mr. Eastwick; Answer, Mr. Chichester Fortescue *Feb* 7, 152
Collisions at Sea—Legislation, Question, Mr. G. Bentinck; Answer, Mr. Chichester Fortescue *Feb* 13, 373
Loss of Life at Sea, Question, Mr. Plimsoll; Answer, Mr. Chichester Fortescue *Feb* 17, 542
Merchant Shipping Code Bill, Question, Mr. Corrance; Answer, Mr. Chichester Fortescue *Mar* 6, 1397
The Merchant Service—Supply of Seamen, Question, Mr. Norwood; Answer, Mr. Chichester Fortescue *Feb* 13, 372
The Steamship "Peru," Question, Mr. Hambro; Answer, Mr. Bruce *Feb* 28, 1099; Questions deferred, Mr. Hambro; Observations, Mr. Chichester Fortescue, Mr. Bruce *Mar* 3, 1184; Questions, Mr. Hambro, Sir John Pakington; Answers, Mr. Bruce *Mar* 6, 1394

Mercantile Marine
Moved, "That an humble Address be presented to Her Majesty, praying that She will be pleased to issue a Royal Commission to inquire into the condition of, and certain practices connected with, the Commercial Marine of the United Kingdom" (*Mr. Plimsoll*) *Mar* 4, 1319
Amendt. to leave out "an humble Address be presented to Her Majesty, praying that She will be pleased to issue a Royal Commission to inquire into," and insert "it is desirable that a Bill be forthwith introduced into this House by Her Majesty's Government for the purpose of constituting a Commission to inquire into upon oath and report upon" (*Mr. Clay*) *v.*, 1334; Question proposed, "That the words, &c.;" after long debate, Amendt. and Motion withdrawn

Merchant Shipping Act—The "Northfleet" Collision—Release of the "Murillo"
Question, Mr. T. E. Smith; Answer, Viscount Enfield *Feb* 18, 600; *Feb* 20, 728

Metropolis
Hackney Carriages—Cabmen's Plates, Question, Lord George Hamilton; Answer, Mr. Bruce *Feb* 18, 596
Hyde Park—The Serpentine, Question, Mr. F. S. Powell; Answer, Mr. Ayrton *Feb* 18, 601
Metropolitan Police—Legal Advice, Question, Mr. Stapleton; Answer, Mr. Bruce *Feb* 14, 437
South Kensington—Natural History Museum, Question, Mr. Sclater-Booth; Answer, Mr. Ayrton *Feb* 18, 595
Bethnal Green Museum—The Turner Drawings, Questions, Mr. Charles Reed; Answers, Mr. Baxter, Mr. W. E. Forster *Mar* 4, 1283

Metropolis Buildings Act Amendment Bill (*Dr. Brewer, Mr. W. M. Torrens, Mr. M'Arthur, Mr. Locke*)
c. Ordered; read 1° * *Feb* 12 [Bill 54]

Metropolitan Board of Works
Thanksgiving in the Metropolitan Cathedral, Question, Mr. Bowring; Answer, Colonel Hogg *Mar* 4, 1285
[See title *Charing Cross and Victoria Embankment Approach Bill*]

Metropolitan Tramways Provisional Orders Bill
(*Mr. Arthur Peel, Mr. Chichester Fortescue*)
c. Ordered; read 1° * *Feb* 20 [Bill 76]
Read 2° *, and referred to a Select Committee *Mar* 7

Metropolitan Tramways Provisional Orders (No. 2) Bill
(*Mr. Arthur Peel, Mr. Chichester Fortescue*)
c. Ordered; read 1° * *Feb* 20 [Bill 77]
Read 2° *, and referred to a Select Committee *Mar* 7

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Midleton, Viscount
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MILLER, Mr. J., *Edinburgh City*
  Marriage with a Deceased Wife's Sister, 2R. 327
  Parks Regulation Act—New Rules, 228
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Mine Dues Bill
(*Mr. Lopes, Mr. Gregory*)
c. Ordered; read 1° * *Feb* 10 [Bill 44]

Mines—Appointment of Assistant Inspectors
  Question, Mr. Liddell; Answer, Mr. Bruce *Feb* 18, 599

Minors Protection Bill
(*Mr. Mitchell Henry, Mr. Headlam, Mr. Butt, Mr. Scourfield, Mr. Charles Gilpin*)
c. Ordered; read 1° * *Feb* 18 [Bill 69]

Monastic and Conventual Institutions Bill (*Mr. Newdegate, Mr. Holt, Sir Thomas Chambers*)
c. Motion for Leave (*Mr. Newdegate*) *Feb* 14, 526; after short debate, Question put; A. 74, N. 31; M. 43; Bill ordered; read 1° * [Bill 62]

MONK, Mr. C. J., *Gloucester City*
  Public Worship Facilities, 2R. 970; Comm. *cl.* 6, Amendt. 1959
  Railway and Canal Traffic, Leave, 243
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MONSELL, Right Hon. W. (Postmaster General), *Limerick Co.*
  Post Office—Questions, &c.
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  Parliament—Address in Answer to the Speech, 12

MORGAN, Mr. G. Osborne, *Denbighshire*
  Burials, Leave, 176
  Married Women's Property Act (1870) Amendment, 2R. 676
  University Education (Ireland), 2R. Amendt. 1226

MORLEY, Earl of
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  Poor Allotments Management, 2R. 1515
  Poor Law — Children of Roman Catholic Parents, Address for a Return, 193

MUNDELLA, Mr. A. J., *Sheffield*
  Agricultural Children, 2R. 700, 701
  Coal, Scarcity of, Motion for a Committee, 815
  Factory Acts Amendment, Leave, 283

Municipal Boroughs Extension Bill
(*Mr. Henry Samuelson, Mr. Wykeham Martin, Mr. Staveley Hill*)
c. Ordered; read 1° * *Feb* 11 [Bill 48]

Municipal Franchise (Ireland) Bill
(*Mr. Butt, Mr. Patrick Smyth*)
c. Ordered; read 1° * *Feb* 16 [Bill 73]

Municipal Officers Superannuation Bill
(*Mr. Rathbone, Mr. Massey, Mr. Birley, Mr. Dixon, Mr. Morley, Mr. Cross*)
c. Ordered; read 1° * *Feb* 7 [Bill 6]
  Moved, "That the Bill be now read 2°" *Mar* 5, 1366
  Amendt. to leave out "now," and add "upon this day six months" (*Mr. Joshua Fielden*); after debate, Question put, "That 'now,' &c.;" A. 101, N. 44; M. 57
  Main Question put, and agreed to; Bill read 2°

Municipal Privileges (Ireland) Bill
(*Mr. Butt, Mr. Patrick Smyth*)
c. Ordered; read 1° * *Feb* 19 [Bill 74]

MUNTZ, Mr. P. H., *Birmingham*
  Married Women's Property Act (1870) Amendment, 2R. 685

Mutiny Bill (*Mr. Bonham-Carter, Mr. Secretary Cardwell, Mr. Campbell-Bannerman*)
c. Ordered * *Mar* 3
  Read 1° * *Mar* 21

NAVY
  Greenwich Naval College—Dr. Armstrong, Question, Mr. A. Guest; Answer, Mr. Goschen *Feb* 28, 1097
  H.M.S. "Devastation"—Postponement of Notice, Observations, The Earl of Camperdown; Reply, The Earl of Lauderdale; short debate thereon *Feb* 24, 829
  Post Office Orders, Question, Sir John Hay; Answer, Mr. Goschen *Mar* 6, 1395
  Straits of Magellan, Question, Sir James Elphinstone; Answer, Mr. Goschen *Feb* 28, 1098
  The Royal Marines—Rank of Major, Question, Sir John Hay; Answer, Mr. Goschen *Feb* 18, 601

Navy—Admiralty Administration
Moved, " That this House, in order to remedy certain defects in the administration of the Admiralty, recommends the Government to take into consideration the propriety of administering that department by means of a Secretary of State ; and further, of appointing to the offices of Controller and of Superintendent of Her Majesty's Dockyards persons who possess practical knowledge of the duties they have to discharge, and also of altering the rule which limits their tenure of office to a fixed term of years " (*Mr. Seely*) *Feb* 25, 919
After short debate, Amendt. to leave out " Secretary of State," and insert " a Board of Admiralty with such modifications of constitution and procedure as experience has shown to be desirable " (*Mr. Brassey*) *v.*, 943 ; Question proposed, " That the words, &c. ;" after further debate, Amendt. withdrawn ; original Question put ; A. 13, N. 114 ; M. 101

Neville-Grenville, Mr. R., *Somersetshire, Mid*
Ireland—Shannon, Overflowing of the, Res. 1589

Newdegate, Mr. C. N., *Warwickshire, N.*
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North, Lieut-Colonel J. S., *Oxfordshire*
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Northcote, Right Hon. Sir S. H., *Devonshire, N.*
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O'Brien, Sir P., *King's Co.*
Ireland—Shannon, Overflowing of the, Res. 1590
University Education (Ireland), 2R. Amendt. 1805

Occasional Sermons Bill
(*Mr. Cowper-Temple, Mr. Thomas Hughes*)
c. Considered in Committee ; Bill ordered ; read 1°* *Feb* 7 [Bill 22]

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  River Shannon, 368
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O'Conor, Mr. D. M., *Sligo Co.*
Ireland—Galway Election Trials, Dublin, 281
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O'Donoghue, The, *Tralee*
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O'Hagan, Lord (Lord Chancellor of Ireland)
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Marriage with a Deceased Wife's Sister, 2R. *1887

O'Reilly, Mr. M. W., *Longford Co.*
University Education (Ireland), 2R. Amendt. 1748

O'Reilly-Dease, Mr. M., *Louth*
Marriage with a Deceased Wife's Sister, 2R. 325

Osborne, Mr. R. Bernal, *Waterford City*
Central Asia—Afghanistan (Northern) Boundary—Mr. Forsyth's Mission, 1041
Ireland—Landed Estates Court—Vacant Judgeship, 282
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Russia and Persia—Valley of the Atrek, 1099
University Education (Ireland), 2R. Amendt. 1691, 1694

Outlawries Bill
c. Read 1°* *Feb* 6

Oxford, Bishop of
Marriage with a Deceased Wife's Sister, 2R. 1885

Pakington, Right Hon. Sir J. S., *Droitwich*
Army—Length of Service (India), Res. 855
Army Estimates—Land Forces, Motion for reporting Progress, 881, 1094, 1123, 1124
Militia Pay and Allowances, 1156
Commercial Marine, Motion for an Address, 1330, 1349
Merchant Seamen's Act—The "Peru," 1395

Palk, Sir L., *Devonshire, E.*
Theatre Regulation Act—"Happy Land," 1611

Palmer, Mr. J. Hinde, *Lincoln City*
Custody of Infants, Consid. *add. cl.* 1513 ; *cl.* 3, Amendt. 1513
Endowed Schools Act (1869), Motion for a Committee, 293
Marriage with a Deceased Wife's Sister, 2R. 327
Married Women's Property Act (1870) Amendment, 2R. 667, 689
Married Women's Property Act (1870) Amendment (No. 2), 2R. 329 ; Comm. Amendt. 1365

Parks Regulation Act—Hyde Park—The New Rules
Notice, Mr. Bruce *Feb* 6, 143
Copy of Substituted Rules under the Parks Regulation Act, presented ; Moved, "That these Rules do lie upon the Table of the House" (*Mr. Bruce*) *Feb* 10, 199 ; after debate, Motion agreed to

Parliament
LORDS—
Meeting of the Parliament *Feb* 6, 1
The Session of Parliament opened by Commission

Her Majesty's Most Gracious Speech delivered by The Lord Chancellor *Feb* 6, 3
An Address to Her Majesty thereon moved by The Earl of Clarendon (the Motion being seconded by The Lord Monteagle), and, after debate, agreed to, *Nemine Dissentiente* *Feb* 6, 7 ; Explanation, The Duke of Richmond *Feb* 7, 143
Her Majesty's Answer to the Address reported *Feb* 11, 276

Roll of the Lords—delivered, and ordered to lie on the Table *Feb* 6 ; The Lord Chancellor acquainted the House that the Clerk of the House had prepared and laid it on the Table : The same was ordered to be printed *Feb* 10 (No. 10)
Chairman of Committees—The Lord Redesdale appointed, *Nemine Dissentiente*, to take the Chair in all Committees of this House for this Session *Feb* 6
Committee for Privileges—appointed *Feb* 6
Sub-Committee for the Journals—appointed *Feb* 6
Appeal Committee—appointed *Feb* 6

[cont.

Parliament—Lords—cont.
Office of the Clerk of the Parliaments and Office of the Gentleman Usher of the Black Rod—Select Committee appointed *Feb* 11 ; List of the Committee, 280

Private Bill Legislation
Orders respecting Petitions *Feb* 7, 143 (No. 9)

Resignation of Ministers
Ministerial Statement, Earl Granville ; short debate thereon *Mar* 13, 1868 ; *Mar* 17, 1914 ; Ministerial Explanation, Earl Granville ; Observations, The Duke of Richmond *Mar* 20, 1919

Palace of Westminster
The House of Commons—The Peers Gallery, Observations, The Earl of Malmesbury ; Reply, Earl Granville ; short debate thereon *Mar* 20, 1922

COMMONS—
Meeting of the Parliament *Feb* 6
The Queen's Speech reported ; An humble Address thereon moved by Mr. Lyttelton (the Motion being seconded by Mr. Stone) *Feb* 6, 57 ; after debate, Motion agreed to ; and a Committee appointed to draw up the said Address
Report of Address brought up, and read *Feb* 7, 155 ; after debate, Address agreed to ; to be presented by Privy Councillors
Her Majesty's Answer to the Address reported *Feb* 11, 281

Committee for Privileges—appointed *Feb* 6
Public Accounts—Committee nominated ; List of the Committee *Feb* 7, 179
Kitchen and Refreshment Rooms (*House of Commons*)—Standing Committee appointed ; List of the Committee *Feb* 10, 274
Public Petitions—Select Committee appointed; List of the Committee *Feb* 10, 274
Printing—Select Committee appointed ; List of the Committee *Feb* 11, 297
Standing Orders—Select Committee nominated ; List of the Committee *Feb* 12, 330
Selection—Committee nominated ; List of the Committee *Feb* 12, 330
Private Bills—Standing Order Committee on, appointed ; List of the Committee *Feb* 17, 538
Opposed Private Bills—Committee appointed ; List of the Committee *Feb* 17, 539

Order of Public Business, Question, Mr. J. Lowther ; Answer, Mr. Gladstone *Mar* 20, 1945

Business of the House
Re-appointment of the Committee, Question, Sir Henry Selwin-Ibbetson ; Answer, Mr. Gladstone *Feb* 7, 151
The Resolutions, Question, Lord Elcho ; Answer, The Chancellor of the Exchequer *Feb* 10, 199

Rules and Practice—Notice of Postponement Question, Mr. Ellice ; Answer, Mr. Speaker *Feb* 10, 194

[cont.

Parliament—Commons—*cont.*

Resignation of Ministers

Ministerial Statement, Mr. Gladstone *Mar* 13, 1909

Moved, "That this House at its rising do adjourn till Monday next" (*Mr. Gladstone*); after debate, Motion agreed to

Ordered, That all Committees have leave to sit, notwithstanding the adjournment of the House

Ministerial Statement, Mr. Gladstone *Mar* 17, 1916

Moved, "That the House at its rising do adjourn till Thursday" (*Mr. Gladstone*); after short debate, Motion agreed to

Ordered, That all Committees have leave to sit, notwithstanding the adjournment of the House

Ministerial Explanation, Mr. Gladstone; Observations, Mr. Disraeli *Mar* 20, 1924

Parliament—Breach of Privilege—Mr. Plimsoll

Observations, Mr. T. E. Smith *Feb* 20, 733

Moved, "That to accuse, in a printed book, Members of this House of grievous offences, and to threaten them with further exposure if they take part in its Debates, is conduct highly reprehensible, and injurious to the honour and dignity of this House" (*Mr. Eustace Smith*); after debate, Motion withdrawn

Parliament—Business of the House (Committee of Supply)

Moved, "That, whenever Notice has been given that Estimates will be moved in Committee of Supply, and the Committee stands as the first Order of the Day upon any Day except Thursday and Friday on which Government Orders have precedence, the Speaker shall, when the Order for the Committee has been read, forthwith leave the Chair without putting any Question, and the House shall thereupon resolve itself into such Committee, unless on first going into Committee on the Army, Navy, or Civil Service Estimates respectively, an Amendment be moved relating to the division of Estimates proposed to be considered on that day" (*Mr. Chancellor of the Exchequer*) *Feb* 10, 244

Amendt. to leave out from "That," and add "a Select Committee be appointed to consider the best means of facilitating the despatch of Public Business in this House, and that the Reports and Evidence of the last three Committees on this subject be referred to it" (*Sir Henry Selwin-Ibbetson*) *v.*; Question proposed, "That the words, &c.;" after debate, Question put; A. 148, N. 78; M. 70; main Question put, and agreed to

Parliament—Business of the House (Opposed Business)

Moved, "That, except for a Money Bill, no Order of the Day or Notice of Motion be taken after half-past Twelve of the clock at night, with respect to which Order or Notice of Motion, a Notice of Opposition or Amendment shall have been printed on the Notice

[*cont.*

Parliament—Business of the House (Opposed Business)—cont.

Paper, or if such Notice of Motion shall only have been given the next previous day of sitting, and objection shall be taken when the Notice is called" (*Mr. Bouverie*) *Mar* 4, 1362; after short debate, Amendt., after "Day," in line 2, to insert "for the Second Reading of a Bill" (*Mr. Charley*); Question proposed, "That the words, &c;" after further short debate, Amendt. withdrawn; main Question put; A. 191, N. 37; M. 154

Parliament — Business of the House (Tuesday Sittings)

Moved, "That the House do meet on Tuesdays at 2 p.m., and rise at 7 p.m." (*Lord John Manners*) *Feb* 11, 283; after short debate, Motion withdrawn

Parliament—Meeting of Parliament

Moved, "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to take into consideration the expediency of summoning Parliament not later than the last week of November, in accordance with the Fifth Resolution of the Committee on Public Business, 1871" (*Mr. Charles Forster*) *Feb* 25, 902

Amendt. to leave out from "That," and add "a Select Committee be appointed to consider the time of the day at which the House should assemble, the Hours during which the House can most conveniently sit for the transaction of Public Business, when the business introduced by Her Majesty's Ministers should have precedence, and what Notice should be given of any proposal to alter the time at which the House will assemble for the distribution of business" (*Mr. Newdegate*) *v.*; Question proposed, "That the words, &c.;" after debate, Amendt. and Motion withdrawn

Parliament—Meeting of the House (Ash Wednesday)

Moved, "That this House do meet To-morrow at Two of the clock" (*Mr. Gladstone*) *Feb* 25, 901; after short debate, Question put; A. 222, N. 56; M. 166

Parliament—House of Lords

New Peers

Feb 6—The Right Hon. Sir Roundell Palmer, Lord Chancellor of Great Britain, created Baron Selborne
Sir John Hanmer, baronet, created Baron Hanmer

Sat First

Feb 20—The Duke of Leeds, after the death of his Father

Mar 7—The Lord Carysfort (*Earl of Carysfort*) after the death of his Brother

Mar 20—The Lord Harris, after the death of his Father

[*cont.*

Parliament—Lords—*cont.*

Representative Peer for Ireland
(Writ and Return)
Feb 13—Lord Crofton, *v.* Lord Clarina, deceased

House of Commons

New Writs Issued

During Recess
For Preston, *v.* Sir Thomas George Fermer Hesketh, baronet, deceased
For Flint Borough, *v.* Sir John Hanmer, baronet, now Baron Hanmer
For Richmond, *v.* Right Hon. Sir Roundell Palmer, knight, Chancellor of Great Britain
For Tiverton, *v.* Hon. George Denman, one of the Justices of Her Majesty's Court of Common Pleas
For Londonderry City, *v.* Right Hon. Richard Dowse, one of the Barons of Her Majesty's Court of Exchequer in Ireland
For Cork City, *v.* John Francis Maguire, esquire, deceased
For Kincardine County, *v.* James Dyce Nicol, esquire, deceased
For Forfar County, *v.* Hon. Charles Carnegie, Inspector of Constabulary in Scotland
For Orkney and Shetland, *v.* Frederick Dundas, esquire, deceased
For Liverpool, *v.* Samuel Robert Graves, esquire, deceased

Feb 6—*For* Armagh County, *v.* Sir William Verner, baronet, deceased
For Wigtonshire, *v.* Hon. Alan Plantagenet Stewart, commonly called Lord Garlies, called up to the House of Peers
Feb 10—*For* Lisburn, *v.* Edward Wingfield Verner, esquire, Chiltern Hundreds
Feb 21—*For* Mid Cheshire, *v.* George Cornwall Legh, esquire, Chiltern Hundreds
Mar 20—*For* Tyrone County, *v.* The Right Hon. Henry Thomas Lowry Corry, deceased

New Members Sworn
Feb 6—Right Hon. Hugh Culling Eardley Childers, *Pontefract*
John Holker, esquire, *Preston*
Right Hon. William Nathaniel Massey, *Tiverton*
Sir Robert Alfred Cunliffe, baronet, *Flint Borough*
James William Barclay, esquire, *Forfar County*
Samuel Laing, esquire, *Orkney* and *Shetland*
Sir George Balfour, *Kincardine*
Charles Edward Lewis, esquire, *Londonderry City*
Lawrence Dundas, esquire, *Richmond*
Feb 10—John Torr, esquire, *Liverpool*
Feb 27—Sir Richard Wallace, baronet, *Lisburn*
Robert Vans Agnew, esquire, *Wigtonshire*

[*cont.*

Parliament—Commons—*New Members Sworn—cont.*
Feb 27—Edward Wingfield Verner, esquire, *Armagh County*
Mar 3—Joseph Philip Ronayne, esquire, *Cork City*
Mar 10—Egerton Leigh, esquire, *Mid Cheshire*

Parliamentary Election Petitions
Question, Mr. O'Conor ; Answer, The Attorney General *Feb* 13, 372

Parliamentary Elections (Expenses) Bill
(*Mr. Fawcett, Mr. Baines, Mr. M'Laren*)
c. Ordered ; read 1° * *Feb* 7 [Bill 32]

Parliamentary Electors Registration Bill
(*Mr. Pell, Mr. Bourke, Mr. William Henry Smith, Mr. Rowland Winn*)
c. Ordered ; read 1° * *Feb* 7 [Bill 26]

Patten, Right Hon. Colonel J. W., *Lancashire, N.*
Army Estimates—Land Forces, 884
Militia Pay and Allowances, 1155
Ireland—Shannon, Overflowing of the, Res. 1590
Parliament—Resignation of Ministers, Ministerial Statement, 1910
Parliament—Business of the House—Opposed Business, Res. 1364
Union Rating (Ireland), 2R. 767
University Education (Ireland), 2R. Amendt. Motion for Adjournment, 1711, 1741, 1744

Pease, Mr. J. W., *Durham, S.*
Army Estimates—Land Forces, 1092 ; Motion for reporting Progress, 1093
Municipal Officers Superannuation, 2R. 1372
Prevention of Crime, 2R. 751
Railway and Canal Traffic, 2R. 1045
Salmon Fisheries, 2R. 1378

Peel, Right Hon. Sir R., *Tamworth*
Spain—King Amadeus, 730, 732

Peel, Mr. A. W. (Secretary to the Board of Trade), *Warwick Bo.*
Coals, Price of—Railways, 547
Commercial Marine, Motion for an Address, 1359
Railways—Case of James Harris, 722

Pell, Mr. A., *Leicestershire, S.*
Agricultural Children, 2R. 697
Contagious Diseases (Animals) Act, Motion for a Committee, 525
Register for Parliamentary and Municipal Electors, 2R. 1958

Permissive Prohibitory Liquor Bill
(*Sir Wilfrid Lawson, Lord Claud Hamilton, Sir Thomas Bazley, Mr. Downing, Mr. Richard, Mr. Miller, Mr. Dalway*)
c. Considered in Committee ; Bill ordered ; read 1° * *Feb* 7 [Bill 14]

PIM, Mr. J., *Dublin City*
Ireland—Dublin College of Science, 1518
Redistribution of Seats, 195
University Education (Ireland), 2R. Amendt. 1437, 1699

PLAYFAIR, Dr. Lyon, *Edinburgh and St. Andrew's Universities*
*University Education (Ireland), 2R. Amendt. 1459

PLIMSOLL, Mr. S., *Derby Bo.*
Commercial Marine, Motion for an Address, *1319, 1361
Loss of Life at Sea, 542
Parliament—Breach of Privilege, 740
Shipping Survey, &c., Leave, 273

PLUNKET, Hon. D. R., *Dublin University*
Civil Service (Ireland), 154
University Education (Ireland), Leave, 429

Police
Police Superannuation, Question, Sir John Ogilvy; Answer, Mr. Bruce *Mar* 4, 1284
Metropolitan Police—Legal Advice, Question, Mr. Stapleton; Answer, Mr. Bruce *Feb* 14, 437

Polling Districts (Ireland) Bill
(*The Marquess of Hartington, Mr. Secretary Bruce*)
c. Motion for Leave (*The Marquess of Hartington*) *Feb* 7, 174; Bill ordered; read 1° *
Read 2° * *Feb* 14 [Bill 1]
Committee *; Report *Feb* 17
Considered * *Feb* 21
Read 3° * *Feb* 24
l. Read 1ª * (*Marquess of Lansdowne*) *Feb* 25
Read 2ª * *Feb* 28 (No. 24)
Committee * *Mar* 3 (No. 34)
Report * *Mar* 4
Read 3ª * *Mar* 6
Royal Assent *Mar* 13 [36 *Vict.* c. 2]

POLTIMORE, Lord (Treasurer of the Household)
Parliament—The Queen's Answer to the Address, 276

Poor Allotments Management Bill [H.L.]
(*The Duke of Richmond*)
l. Presented; read 1ª * *Feb* 20 (No. 20)
Bill read 2ª *Mar* 7, 1515

Poor Law—Children of Roman Catholic Parents
Address for a Return (*The Lord Buckhurst*) *Feb* 10, 192; after short debate, Motion amended, and agreed to

Poor Law (Scotland) Bill
(*Mr. Craufurd, Sir David Wedderburn, Mr. Miller*)
c. Ordered; read 1° * *Feb* 7 [Bill 4]
Moved, "That the Bill be now read 2°" *Feb* 26, 972
Amendt. to leave out "now," and add "upon this day six months" (*Sir Edward Colebrooke*); after debate, Question put, "That 'now,' &c.;" A. 48, N. 181; M. 133
Main Question, as amended, put, and agreed to; Bill put off for six months

Portpatrick Harbour (Repeal of Acts) Bill
(*Mr. Arthur Peel, Mr. Chichester Fortescue*)
c. Ordered * *Feb* 13
Read 1° * *Feb* 14 [Bill 61]
Read 2° * *Feb* 28
Referred to a Select Committee * *Mar* 17

Portugal — Extradition Treaty — Capital Punishment
Question, Mr. Gilpin; Answer, Viscount Enfield *Feb* 28, 1095

POST OFFICE
Extension of Telegraphs to Orkney and Shetland, Question, Mr. Laing; Answer, Mr. Monsell *Feb* 13, 371
Halfpenny Post-Cards, Question, Mr. Welby; Answer, Mr. Monsell *Feb* 28, 1101
Insufficiently Stamped Newspapers, Question, Mr. R. N. Fowler; Answer, Mr. Monsell *Mar* 3, 1184; *Mar* 7, 1519
Post Office Annuities, Question, Mr. Salt; Answer, Mr. Monsell *Feb* 25, 892
Registered Letters, Question, Mr. Torr; Answer, Mr. Monsell *Mar* 10, 1612
Telegraphs—Charges for Messages, Question, Lord Claud John Hamilton; Answer, Mr. Monsell *Feb* 10, 194
Extension of Telegraphs — Misapplication of Funds, Committee of Supply *Mar* 21, 2056
The Anglo-Italian Mails, Question, Sir David Wedderburn; Answer, Mr. Monsell *Mar* 4, 1284
The Cape Colony—Postal Contracts, Question, Mr. Salt; Answer, Mr. Monsell *Feb* 28, 1101

POWELL, Mr. F. S., *Yorkshire, W. R., N. Div.*
Census (1871) Returns, 728
Factory Acts, Consolidation of the, 894
Hyde Park—Serpentine, The, 601
Parliament—Address in Answer to the Speech, Report, 171

Prevention of Crime Bill
(*Mr. Secretary Bruce, Mr. Winterbotham*)
c. Ordered; read 1° * *Feb* 10 [Bill 36]
Bill read 2°, after short debate *Feb* 20, 743

PRICE, Mr. W. P., *Gloucester City*
Railway and Canal Companies Amalgamation, Res. 785

Prison Ministers Act (1863) Amendment Bill (*Sir John Trelawny, Mr. Osborne, Lord Arthur Russell*)
c. Ordered; read 1° * *Feb* 7 [Bill 13]

Public Departments (Purchases, &c.)
Select Committee appointed, "to inquire into and report upon the existing principles and practice which in the several Public Departments and Bodies regulate the purchase and sale of Materials and Stores" (*Mr. Holms*) *Mar* 10: List of the Committee, 1714

Public Expenditure
Moved, "That the present rate of Public Expenditure is excessive; and that this House desires that it should be reduced, with a view to the diminution of the public burthens" (*Mr. Vernon Harcourt*) *Feb* 18, 602
After long debate, Amendt. to leave out from "That," and add "a Select Committee be appointed to inquire whether any and what reductions can be effected in the expenditure for Civil Services (other than the National Debt and the Civil List), whether charged on the Consolidated Fund or defrayed from Votes of Parliament, with special reference to those branches thereof which are not under the direct or effectual control of the Treasury" (*Mr. Childers*) *v.*; Question, "That the words, &c." put, and negatived; words added; main Question, as amended, put, and agreed to; Select Committee appointed; List of the Committee, 665

Public Health Bill
(*Sir Charles Adderley, Mr. Francis Sharp Powell, Mr. Whitbread, Lord Robert Montagu, Mr. Stephen Cave, Mr. Richards*)
c. Ordered; read 1° * *Mar* 21 [Bill 99]

Public Health Legislation—The Sanitary Commission
Question, Mr. Raikes; Answer, Sir Charles Adderley *Feb* 17, 546
[See title *Law and Justice*]

Public Worship Facilities Bill
(*Mr. Salt, Mr. Cowper-Temple, Sir Smith Child, Mr. Akroyd, Mr. Dimsdale*)
c. Ordered; read 1° * *Feb* 7 [Bill 27]
Bill read 2°, after short debate *Feb* 25, 969
Moved, "That the Bill be committed to a Select Committee" (*Mr. Beresford Hope*); after further short debate, Question put; A. 9, N. 40; M. 31
Committee; Report *Mar* 20, 1959
[House counted out]

Raikes, Mr. H. C., *Chester*
Endowed Schools Act (1869), Motion for a Committee, 297
Married Women's Property Act (1870) Amendment, 2R. 688
Probate and Divorce Court, Judge of the, 1182
Public Health Legislation—Sanitary Commission, 546
University Education (Ireland), 2R. Amendt. 1756

Railway and Canal Traffic Bill
(*Mr. Chichester Fortescue, Mr. Childers, Mr. Arthur Peel*)
c. Motion for Leave (*Mr. Chichester Fortescue*) *Feb* 10, 229; after debate, Bill ordered; read 1° * [Bill 34]
Bill read 2°, after debate *Feb* 27, 1042
Question, Sir Herbert Croft; Answer, Mr. Chichester Fortescue *Mar* 6, 1396

Railway, &c. (Transfer and Amalgamation) Bills
c. Resolved, That all Bills of the present Session which include among their main provisions any of the following objects—(1) The transfer to any Railway or Canal Company of the undertaking or part of the undertaking of any other such Company; or (2) The transfer to any Railway or Canal Company of any Harbour; or (3) The amalgamation of the undertaking or any part of the undertaking of any Railway or Canal Company with the undertaking of any other such Company, shall be referred to a Joint Committee of Lords and Commons (*Mr. Chichester Fortescue*) *Feb* 21; Resolution to be communicated to the Lords, and their concurrence desired thereto
l. The Commons Message
Moved, "That the Message of the House of Commons on the subject of Railway, &c. (Transfer and Amalgamation) Bills be taken into consideration" (*The Lord President*) *Feb* 25, 886; Motion agreed to
Then it was moved that the House do concur in the Resolution communicated by the Commons; after debate, Motion agreed to; and a Message sent to the Commons to acquaint them therewith

Railways
Hours of Work — Case of Edwin Chivers, Question, Mr. M. T. Bass; Answer, Mr. Chichester Fortescue *Feb* 13, 375 — *Case of James Harris*, Question, Mr. M. A. Bass; Answer, Mr. Peel; Observations, Mr. Dillwyn *Feb* 20, 722
Railway Accidents, Question, Sir Henry Selwin-Ibbetson; Answer, Mr. Chichester Fortescue *Feb* 13, 376
Railway Amalgamation Bills—Joint Committees, Question, Mr. Rathbone; Answer, Mr. Chichester Fortescue *Feb* 17, 546
Railway Companies and the Coal Trade, Question, Mr. Eykyn; Answer, Mr. A. Peel *Feb* 17, 547; Questions, Mr. J. B. Smith, Mr. Eykyn; Answers, Mr. Chichester Fortescue *Mar* 4, 1286
The Heberlein Break, Question, Sir Henry Selwin-Ibbetson; Answer, Viscount Enfield *Mar* 21, 1961

Railways Provisional Certificate Bill
(*Mr. Arthur Peel, Mr. Chichester Fortescue*)
c. Ordered; read 1° * *Feb* 24 [Bill 78]
Read 2° * *Mar* 5
Referred to a Select Committee* *Mar* 7

Regulation of Railways (Prevention of Accidents) Bill [H.L.]
(*The Lord Buckhurst*)
l. Presented; read 1ª* *Feb* 11 (No. 12)
Moved, "That the Bill be now read 2ª" *Feb* 18, 582
Amendt. to leave out ("now,") and insert ("this day six months") (*The Earl Cowper*); after short debate, on Question, That ("now,") &c.; resolved in the affirmative; Bill read 2ª, and referred to a Select Committee; List of the Committee, 594

Rathbone, Mr. W., *Liverpool*
Commercial Marine, Motion for an Address, 1355
International Law—New Rules, Motion for an Address, 2007
Municipal Officers Superannuation, 2R. 1367
Railway Amalgamation Bills—Joint Committees, 546
Vexatious Objections (Borough Registration), 2R. 665

Read, Mr. Clare S., *Norfolk, S.*
Agricultural Children, 2R. 689
Contagious Diseases (Animals) Act, Motion for a Committee, 508, 521
Tithe Commutation Act—Market Gardens, 722

Real Estate Intestacy Bill
(*Mr. Locke King, Mr. Hinde Palmer*)
c. Ordered; read 1°* *Feb* 7 [Bill 20]

Real Estate Settlements Bill
(*Mr. William Fowler, Mr. Robert Brand, Mr. Watkin Williams*)
c. Ordered; read 1°* *Feb* 10 [Bill 38]

Record of Title (Ireland) Act (1865) Amendment Bill
(*Sir Robert Torrens, Sir Colman O'Loghlen, Mr. Pim, Mr. Matthews*)
c. Motion for Leave (*Sir Robert Torrens*) *Feb* 25 968; Bill ordered; read 1°* [Bill 79]

Redesdale, Lord (Chairman of Committees)
Bastardy Laws Amendment, Comm. 1382
Chelsea Water, 2R. 1022, 1023
Endowed Schools Commission, 367
Epping Forest, 2R. 1179
Parliament—Address in Answer to the Speech, 47
Railways, &c. (Transfer and Amalgamation), Commons Message, 888
Supreme Court of Judicature, 1R. 365

Redmond, Mr. W. A., *Wexford*
Union Rating (Ireland), 2R. 762

Reed, Mr. C., *Hackney*
Bethnal Green Museum—Turner Drawings, The, 1283

Register for Parliamentary and Municipal Electors Bill
(*Mr. Attorney General, Mr. Hibbert*)
c. Motion for Leave (*Mr. Attorney General*) *Feb* 17, 576; Bill ordered, after short debate; read 1°* [Bill 66]
Bill read 2°, after short debate *Mar* 20, 1947

Registration of Firms Bill
(*Mr. Norwood, Mr. Charles Turner, Mr. Whitwell, Mr. Barnett*)
c. Ordered; read 1°* *Feb* 13 [Bill 59]

Richmond, Duke of
Army—Commissions in the, 1179
Army—Recruits, Motion for Returns, 1609
Army Regulation Act—Abolition of Purchase, 1592, 1608
Chelsea Water, 2R. 1021
Criminal Law—Newbury Magistrates, 1514
Epping Forest, 2R. 1179
Horses, Supply of, Address for a Royal Commission, 720
Palace of Westminster—House of Commons—Peers Gallery, 1923
Parliament—Address in Answer to the Speech, 47, 51; Explanation, 143
  Resignation of Ministers, Statement, 1870, 1914; Ministerial Explanation, 1920
Poor Allotments Management, 2R. 1515
Railways, &c. (Transfer and Amalgamation), Commons Message, 887
Regulation of Railways (Prevention of Accidents), 2R. 590

Ripon, Marquess of (Lord President of the Council)
Endowed Schools Commission, 366, 367
Marriage with a Deceased Wife's Sister, 2R. 1896
Parliament—Address in Answer to the Speech, 37
Railways, &c. (Transfer and Amalgamation), Commons Message, 886

Roads and Bridges (Scotland) Bill
(*Sir Robert Anstruther, Mr. M'Lagan, Mr. Miller, Mr. Parker*)
c. Ordered; read 1°* *Feb* 11 [Bill 45]

Roden, Mr. W. S., *Stoke-on-Trent*
Army Estimates—Volunteer Corps, 1158
Union Rating (Ireland), 2R. 770

Rome — Diplomatic Relations with the Vatican
Amendt. on Committee of Supply *Feb* 14, To leave out from "That," and add "there be laid before this House, a Copy of Papers (in continuation of a Paper [C—247], Session 1871, intituled 'Correspondence respecting the Affairs of Rome, 1870-71')" (*Mr. Sinclair Aytoun*) *v.*, 440; Question proposed, "That the words, &c.;" after short debate, Question put; A. 116, N. 63; M. 53

Romilly, Lord
  Supreme Court of Judicature, 2R. 1722

Ronayne, Mr. J. P., *Cork City*
  University Education (Ireland), 2R. Amendt. 1775

Rosebery, Earl of
  Horses, Supply of, Address for a Royal Commission, 702, 720
  Spain, Extradition Treaty with—"Northfleet" and "Murillo," 147
  Turks and Caicos Islands, Comm. 436

Russia and Persia—Valley of the Atrek
  Question, Sir Charles W. Dilke; Answer, Viscount Enfield *Feb* 14, 439; Question, Mr. Osborne; Answer, Viscount Enfield *Feb* 28, 1099 [See title *Central Asia*]

Rylands, Mr. P., *Warrington*
  Central Asia—Boundary Line, 724, 725; Motion for an Address, 771, 772
  Municipal Officers Superannuation, 2R. 1368
  Parks Regulation Act—New Rules, 201
  Parliament—Address in Answer to the Speech, Report, 159
  Supply—Post Office, 2059
    Stationery, Printing, &c. 570
    Tonnage Bounties, &c., 572
  Treaties with Foreign Powers, Res. 448

St. Albans, Duke of
  Epping Forest, 2R. 1178

Sale of Liquors on Sunday (Ireland) Bill
(*Sir Dominic Corrigan, Mr. Pim, Mr. O'Neill, Viscount Crichton, Mr. M^cClure, Mr. William Johnston, Lord Claud Hamilton, Mr. Dease*)
c. Ordered * *Feb* 11
  Read 1° * *Feb* 12 [Bill 52]

Salisbury, Marquess of
  Bastardy Laws Amendment, Comm. 1381
  Chelsea Water, 2R. Amendt. 1014, 1015, 1023
  Endowed Schools Commission, 366, 367
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(*Mr. Dillwyn, Mr. William Lowther, Mr. Assheton, Mr. Alexander Brown*)
c. Ordered; read 1° * *Feb* 7 [Bill 19]
  Bill read 2°, after debate *Mar* 5, 1373
  Committee *; Report *Mar* 21 [Bill 93]

Salmon Fisheries (No. 2) Bill
(*Mr. Dodds, Lord Kensington, Mr. Pease*)
c. Ordered; read 1° * *Feb* 13 [Bill 60]

Salmon Fisheries Commissioners Bill
(*Mr. Winterbotham, Mr. Secretary Bruce*)
c. Ordered; read 1° * *Feb* 27 [Bill 85]
  Read 2° * *Mar* 3
  Committee; Report *Mar* 20, 1958

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  Municipal Officers Superannuation, 2R. 1368
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(*Mr. Charley, Mr. Eykyn, Mr. Mundella, Mr. Whitwell*)
c. Ordered; read 1° * *Feb* 7 [Bill 10]

Seely, Mr. C., Senr., *Lincoln City*
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(*Mr. Stapleton, Mr. Wheelhouse*)
c. Ordered * *Feb* 18
Read 1° * *Feb* 19 [Bill 71]

SEYMOUR, Mr. A., *Salisbury*
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(*Mr. Plimsoll, Mr. Horsman, Mr. Charles Lewis, Mr. Staveley Hill, Mr. Samuda, Mr. Carter, Sir Henry Selwin-Ibbetson, Sir Robert Torrens, Mr. Eykyn, Mr. Leeman*)
c. Considered in Committee; Bill ordered; read 1°, after short debate *Feb* 10, 273 [Bill 43]

Sites for Places of Religious Worship Bill
(*Mr. Osborne Morgan, Mr. Morley, Mr. Hinde Palmer, Mr. Charles Reed*)
c. Ordered; read 1° * *Feb* 7 [Bill 25]

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Considered in Committee *Feb* 24, 855—Army Estimates—Statement of the Secretary of State for War in introducing the Army Estimates; after debate, Committee R P.
Considered in Committee *Feb* 27, 1056—Army Estimates—Committee R.P.
Considered in Committee *Feb* 28, 1123—Army Estimates—Resolutions reported *Mar* 3
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Considered in Committee *Mar* 21, 2055—Excesses, 1872—Civil Services, 1872—Post Office—Post Office Telegraph Service
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Supreme Court of Judicature Bill [H.L.]
(*The Lord Chancellor*)
l. Presented; read 1ª, after short debate *Feb* 13, 331 (No. 14)
Moved, "That the Bill be now read 2ª" *Mar* 11, 1714
Amendt. to leave out ("now") and insert ("this day six months") (*Lord Denman*); after debate, on Question, That ("now,") &c.; resolved in the affirmative; Bill read 2ª

Synan, Mr. E. J., *Limerick Co.*
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Metropolis—Grey Coat Hospital, Westminster, Motion for an Address, 179

Taylor, Mr. P. A., *Leicester Bo.*
Parliament—Meeting of the House—Ash Wednesday, 901

Thames Embankment (Land) Bill
(*Mr. Chancellor of the Exchequer, Mr. Baxter*)
c. Ordered; read 1°* *Feb* 17 [Bill 65]
Read 2°*, and referred to a Select Committee *Mar* 20

Theatre Regulation Act — "The Happy Land"
Question, Sir Lawrence Palk; Answer, Mr. Bruce *Mar* 10, 1611

Tithe Commutation Act—Market Gardens
Question, Mr. Clare Read; Answer, Mr. Bruce *Feb* 20, 722

Tithe Commutation Acts Amendment Bill
(*Mr. Arthur P. Vivian, Mr. Bouverie, Sir John Lubbock, Mr. Magniac*)
c. Ordered; read 1°* *Feb* 25 [Bill 81]

Torr, Mr. J., *Liverpool*
Post Office—Registered Letters, 1612

Torrens, Sir R. R., *Cambridge Bo.*
Colonies, The, Motion for a Committee, 1122
Record of Title (Ireland) Act Amendment, Leave, 968

Torrens, Mr. W. M., *Finsbury*
Selby, Mr., Disappearance of, 1615

Tramway Bills
Question, Mr. Eykyn; Answer, Mr. Chichester Fortescue *Feb* 28, 1097

Treaties of Arbitration
Moved, "That an humble Address be presented to Her Majesty, praying that all Treaties or Conventions by which disputed questions between Great Britain and a foreign power are referred to Arbitration, may be laid upon the Table of both Houses of Parliament six weeks before they are definitively ratified" (*Lord Campbell*) *Mar* 3, 1159; after debate on Question? resolved in the negative

Treaties with Foreign Powers
Observations, Mr. Rylands; Reply, Mr. Gladstone; long debate thereon *Feb* 14, 448
Moved, "That, in the opinion of this House, all Treaties with Foreign Powers ought to be made conditionally on the approval of Parliament, as was done in the case of the Commercial Treaty with France in 1860" (*Mr. Sinclair Aytoun*) *Mar* 4, 1309; after debate, Question put, and negatived

Treaty of Washington
The Geneva Award—Judgments of the Arbitrators, Question, Mr. Staveley Hill; Answer, Mr. Gladstone *Feb* 7, 152 — *Amount of "Alabama Claims,"* Question, Mr. Goldsmid; Answer, Mr. Gladstone *Mar* 3, 1183 —*Testimonial to the Arbitrators,* Question, Mr. Cavendish Bentinck; Answer, Mr. Gladstone *Mar* 10, 1613
The San Juan Award—Rights of British Subjects, Question, Mr. Corrance; Answer, Mr. Gladstone *Feb* 18, 597—*Boundary Line,* Question, Observations, The Earl of Lauderdale; Reply, Earl Granville *Feb* 11, 276

TRENCH, Hon. Major W. Le Poer, *Galway*
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University Education (Ireland), 2R. Amendt. 1806

TREVELYAN, Mr. G. O., *Hawick, &c.*
Poor Law (Scotland), 2R. 991, 996

Tribunals of Commerce Bill (*Mr. Whitwell, Mr. Norwood, Mr. Birley, Mr. Hick*)
c. Ordered; read 1°* *Feb* 13 [Bill 57]
Question, Mr. W. H. Smith; Answer, The Attorney General *Feb* 14, 439
Bill withdrawn * *Feb* 18

Turks and Caicos Islands Bill [H.L.]
(*The Earl of Kimberley*)
l. Presented; read 1ª* *Feb* 7 (No. 2)
Read 2ª* *Feb* 13
Committee; Report, after short debate 14, 436
Read 3ª* *Feb* 17
c. Read 1°* (*Mr. Knatchbull-Hugessen*) *Mar* 3
Read 2°* *Mar* 10 [Bill 87]

Turnpike Acts Continuance
Select Committee appointed, "to inquire into the Eleventh Schedule of 'The Annual Turnpike Acts Continuance Act, 1872'" (*Mr. Hibbert*) *Feb* 24; List of the Committee, 885

Union of Benefices Bill
(*Mr. Spencer Walpole, Viscount Sandon, Mr. William Henry Smith, Mr. Andrew Johnston*)
c. Ordered; read 1°* *Feb* 7 [Bill 28]
Question, Mr. Crawford; Answer, Mr. Spencer Walpole *Feb* 11, 282
Bill read 2°, after short debate, and committed to a Select Committee *Feb* 14, 507; List of the Committee, 508
Report * *Mar* 20 [Bill 92]

Union Rating (Ireland) Bill
(*Mr. M'Mahon, Mr. Downing, Mr. Stacpoole*)
c. Ordered; read 1°* *Feb* 7 [Bill 23]
Moved, "That the Bill be now read 2°" *Feb* 20, 753
Amendt. to leave out "now," and add "upon this day six months" (*Sir George Colthurst*); after debate, Question put, "That 'now,' &c.;" A. 77, N. 61; M. 16
Main Question put, and agreed to; Bill read 2°

United States
British Vessels in American Waters, Question, Mr. C. Dalrymple; Answer, Mr. Chichester Fortescue *Mar* 10, 1615
Offences on the High Seas, Question, Mr. Gourley; Answer, Viscount Enfield *Feb* 27, 1032

University Education (Ireland) Bill
QUESTIONS
Charters of Dublin University and Trinity College, Question, Sir Frederick W. Heygate; Answer, Mr. Gladstone *Feb* 17, 545
The University Council, Question, Mr. Assheton Cross; Answer, Mr. Gladstone *Feb* 18, 599; Questions, Lord Robert Montagu; Answers, Mr. Gladstone *Feb* 24, 832
Petition from Magee College, Question, Lord Robert Montagu; Answer, Mr. Gladstone *Feb* 25, 898
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Affiliated Institutions, Questions, Mr. Gordon, Lord Robert Montagu, Mr. C. E. Lewis; Answers, Mr. Gladstone *Feb* 27, 1038
Notice of Motion for a Royal Commission, Mr. Mitchell Henry *Mar* 3, 1181
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Proposed Select Committee, Question, Mr. Mitchell Henry; Answer Mr. Dodson *Mar* 6, 1396
Parliamentary Arrangements, Question, Mr. P. J. Smyth; Answer, Mr. Bourke; debate thereon *Mar.* 10, 1615
Clause 11 (*Degrees*), Question, Mr. Macfie; Answer, Mr. Gladstone *Mar* 11, 1739

University Education (Ireland) Bill
(*Mr. Gladstone, The Marquess of Hartington*)
c. Considered in Committee; Bill ordered; read 1° *Feb* 13, 378 [Bill 55]
Moved, "That the Bill be now read 2°" *Mar* 3, 1186
Amendt. to leave out from "That," and add "this House, while ready to assist Her Majesty's Government in passing a measure 'for the advancement of learning in Ireland,' regrets that Her Majesty's Government, previously to inviting the House to read this Bill a second time, have not felt it to be their duty to state to the House the names of the twenty-eight persons who it is proposed shall at first constitute the ordinary members of the Council" (*Mr. Bourke*) *v.*; Question proposed, "That the words, &c.;" after long debate, Moved, "That the Debate be now adjourned" (*Mr. Horsman*); Debate adjourned

[*cont.*

University Education (Ireland) Bill—cont.
Debate resumed *Mar* 6, 1398; after long debate, Moved, "That the Debate be now adjourned" (*Mr. Vernon Harcourt*); Debate further adjourned
Debate resumed *Mar* 10, 1617; after long debate, Moved, "That the Debate be now adjourned" (*Colonel Wilson Patten*); after further short debate, Debate further adjourned
Debate resumed *Mar* 11, 1741; after long debate, Question, "That the words, &c.," put, and agreed to; main Question put; A. 284, N. 287; M. 3
Division List, Ayes and Noes, 1864
Moved, "That the House do now adjourn" (*Mr. Gladstone*); Motion agreed to
Ordered, That all Committees have leave to sit To-morrow, notwithstanding the adjournment of the House (*Mr. Gladstone*)
[See *Parliament—Resignation of Ministers*]

University Fellowships (Compensation) Bill
c. Motion for Leave (*Mr. Auberon Herbert*) *Mar* 21, 2063; Motion made, and Question, "That the Debate be now adjourned" (*Mr. Dillwyn*), put, and negatived; original Motion withdrawn

University Tests (Dublin) Bill
(*Mr. Fawcett, Dr. Lyon Playfair, Mr. Plunket*)
c. Considered in Committee; Bill ordered; read 1°, after short debate *Feb* 7, 177 [Bill 12]
Question, Mr. Dixon; Answer, Mr. Fawcett *Mar* 20, 1946

VANCE, Mr. J., *Armagh City*
Irish Bills, 1182

VANDELEUR, Colonel C. M., *Clare Co.*
Ireland—Shannon, Overflowing of the, Res. 1591

Vexatious Objections (Borough Registration) Bill
(*Mr. Rathbone, Mr. Whitbread, Mr. Massey*)
c. Ordered; read 1° * *Feb* 10 [Bill 37]
Bill read 2° *Feb* 18, 665

Victoria Embankment (Somerset House) Bill (*Mr. Ayrton, Mr. Baxter*)
c. Ordered; read 1° * *Feb* 10 [Bill 41]
Read 2° * *Feb* 24
Committee *; Report *Feb* 25
Read 3° * *Feb* 26
l. Read 1ª * (*The Duke of St. Albans*) *Feb* 27
Read 2ª * *Mar* 10 (No. 28)
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VIVIAN, Mr. H. Hussey, *Glamorganshire*
Coal, Scarcity of, Motion for a Committee, 822

WALKER, Major G. G., *Dumfriesshire*
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Parliament—Business of the House (Tuesday Sittings), Res. 288
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WALSH, Hon. A., *Radnorshire*
Salmon Fisheries, 2R. 1375

WALTER, Mr. J., *Berkshire*
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Ways and Means—Inland Revenue—Income Tax Appeals
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Weights and Measures—The Metric System—Legislation
Question, Lord George Hamilton; Answer, Mr. Chichester Fortescue *Feb* 13, 375; Question, Mr. J. B. Smith; Answer, Mr. Chichester Fortescue *Feb* 24, 833

Weights and Measures (Metric System) Bill
(*Mr. John Benjamin Smith, Sir Charles Adderley, Sir Thomas Bazley, Mr. Torr, Mr. Baines, Mr. Pell, Mr. Muntz, Mr. Dalglish*)
c. Ordered; read 1° * *Mar* 5 [Bill 90]

WELBY, Mr. W. E., *Lincolnshire, S.*
Post Office—Halfpenny Post Cards, 1101

WELLS, Mr. E., *Wallingford*
Municipal Officers Superannuation, 2R. 1369

WEST, Mr. H. W., *Ipswich*
County Court Judges—Minute of June, 1872, Res. 1305, 1307, 1308, 1309
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WHITE, Mr. J., *Brighton*
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Women's Disabilities Bill
(*Mr. Jacob Bright, Dr. Lyon Playfair, Mr. Eastwick*)
c. Ordered; read 1° * *Feb* 7 [Bill 17]

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END OF VOLUME CCXIV., AND FIRST VOLUME OF SESSION 1873.

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